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POLITICAL SCIENCE QUARTERLY

MARXISM VERSUS SOCIALISM. V[1]

IX

ALL political and historical philosophies have in common one delightful quality: they are all very human; they all echo our hearts' desires; like clouds they may vary in shape and color, yet they always tell us from what corner the wind blows. Simple is the make-up of our political philosophies; a little informal logic and much specially prepared history. And yet, were it not for political and religious sectarianism we might not have had any history at all. Facts were gathered for a purpose, and they were interpreted, whether by Tacitus or Orosius, Bossuet or Buckle, to give a substance to a shadow, to prove and visualize "what history teaches us."

Mephisto thus amused himself with social science:

> Was ihr den Geist der Zeiten heisst
> Dass ist im Grund der Herren eigener Geist
> In dem die Zeiten sich bespiegeln.

But the poor devil did not seem to realize that just because our histories and political doctrines truly reflect our dreams, aspirations, hesitancies and fears, these reflections are themselves historical monuments of incalculable value. To criticize a political doctrine abstractly and systematically is but our way of overcoming it. Our criticism shows that the doctrine is not somewhere back of us, where we can see it in perspective and see through it, but right in front of us, barring our path; and our

[1] For earlier parts of this study see POLITICAL SCIENCE QUARTERLY, vol. xxiii (1908), pp. 193–219, 652–689, and vol. xxiv (1909), pp. 236–268, 641–666.

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logical argument is a passionate effort. All these passionate arguments, all the claims, ever so naïve, of those that have come and gone before us have become precious material for a deeper and truer understanding of social life.

Marx is so close to us, his arguments are so current, that we are compelled to take up each doctrine of his by itself, analyze it and show where it is wanting. There is, however, a quality in Marxism of which we must not lose sight. Marxism as a whole is a class doctrine, a proletarian doctrine. Just as our classical political economy damned labor with its Malthusianism and its wage-fund theory, cursed the landed interests with its rent theory and fought like a wildcat with every ounce of its eternal principles against any and every regulation on the part of the state that might decrease the profits of the industrial bourgeoisie, just so is Marxism a class doctrine of the industrial proletariat.[1] Each of its theories breathes class feeling, whether it be the theory of surplus value, that of concentration of capital or that of increasing misery. Marx's scientific forecasts are but class yearnings.[2] His doctrine of class struggle has the same quality: it is a doctrine exaggerated and intensified by his class bias, by his hatred of the past, by his hope of the future. Here his passions come to a focus; here his raptures are too exultant to bother about conventionalities of objectivity, to care about outward consistency. Here he failed, but failed magnificently. The failures of the great often surpass the achieve-

[1] "Dass Marx dem Proletariat eine Klassentheorie bot, wie sie der damalige Zustand des Klassenkampfes gebieterisch erforderte, ist sein geschichtliches Verdienst und ist die Ursache gerade so seines ungeheuren äusseren Erfolges wie der inneren Schwächen seines Systems." Franz Oppenheimer, Das Grundgesetz der Marx'schen Gesellschaftslehre (Berlin, 1903), p. 146.

[2] "Für den Standpunkt des Klassenkampfes war das grosse theoretische Problem: die Entstehung des Mehrwertes, d. h. die wissenschaftliche Erklärung der *Ausbeutung*, sowie die Tendenz der Vergesellschaftung des Produktionsprozesses, d. h. die wissenschaftliche Erklärung der *objectiven Grundlagen der sozialistischen Umwälzung*. Beide Probleme beantwortet der erste Band [des 'Kapital'], der 'die Expropriation der Expropriateure' als unausbleibliches Endergebniss der Produktion des Mehrwertes und der fortschreitenden Kapital-Konzentration folgert. Damit war das eigentliche theoretische Bedürfniss der Arbeiterbewegung im grossen und ganzen befriedigt." Rosa Luxemburg, "Stillstand und Fortschritt im Marxismus", in *Vorwärts*, March 14, 1903. The unconscious admission in the last phrase of this Marxist writer is psychologically very interesting.

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ments of mediocrity. Marx's doctrine, with all its bias and all its faults, is a signal advancement of our science.

There is an attempt on foot to make out of the Marxian class-struggle doctrine an extension of the Darwinian principle of struggle for life. Such an interpretation is but a mouthful of big words that sound impressive but mean nothing. The Marxian version of the doctrine antedates Darwin's work by twelve years. The class-struggle conception itself, as we have seen, was set forth even earlier by Guizot and his predecessors; the conception of historical necessity and continuity was formulated by Hegel. To bring Marx's economic interpretation of history into the theory of universal evolution is at its best, as Labriola puts it, "a new metaphor of a new metaphysics."[1] And yet even Kautsky helped to confuse the issue by making of Marx's class struggle a form of the universal natural law of development.[2] Lester F. Ward has thus an excuse for making the erroneous statement that "the socialists, for the most part, regard the social struggle as a practical extension of the biological struggle into the human field."[3] Fortunately, we are in possession of a letter from Marx, dated 1870, in which he characterizes the first attempt to interpret social struggles in the light of the "struggle for life" as cheap humbug.[4]

Let us see how Marx and Engels themselves looked upon

[1] Labriola, Essays on the Materialistic Conception of History (Chicago, 1908), p. 19.

[2] "Für Marx dagegen war der Klassenkampf nur eine besondere Form des allgemeinen Entwickelungsgesetzes der Natur, das durchaus nicht friedlicher Art ist." Kautsky, Die historische Leistung von Karl Marx (Berlin, 1908), p. 15.

[3] Lester F. Ward, Social and Biological Struggles; *American Journal of Sociology*, vol. xiii (1907), p. 289.

[4] Karl Marx, Briefe on Dr. L. Kugelman, *Neue Zeit*, Jahrg. 20, vol. ii (1902), pp. 541, 542. The following is an extract from a letter dated June 27, 1870: "Herr Lange (Ueber die Arbeiterfrage etc., 2te Auflage) macht mir grosse Elogen, aber zu dem Behuf, sich selbst wichtig zu machen. Herr Lange hat nämlich eine grosse Entdeckung gemacht. Die ganze Geschichte ist unter ein einziges grosses Naturgesetz zu subsumieren. Dies Naturgesetz ist die Phrase—der Darwinische Ausdruck wird in dieser Anwendung blosse Phrase—"struggle for life", Kampf ums Dasein, und der Inhalt dieser Phrase ist das Malthus' sche Bevölkerungs- oder rather Uebervölkerungsgesetz. . . . Man muss zugeben, das dies eine sehr eindringliche Methode für gespreizte, wissenschaftlich thuende hochtrabende Unwissenheit und Denkfaulheit ist."

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their class-struggle theory. They invariably acknowledged Hegel as their teacher. It was Hegel who first looked upon history as a necessary, uninterrupted process of the evolution of mankind.[1] This conception Marx and Engels adopted; but they could not follow Hegel in his idealism; they did not accept his theory that the evolution consisted in the realization of the preëxisting "Idea." Another very sound objection which they raised against Hegel's doctrine was that

> upon the one hand its essential proposition was the conception that human history is a process of evolution, which, by its very nature, can not find its intellectual final term in the discovery of any so-called absolute truth. But on the other hand, it laid claim to being the very essence of this absolute truth. A system of natural and historical knowledge, embracing everything and final for all times, is a contradiction to the fundamental law of dialectic reasoning.[2]

Furthermore, Hegel's conception of history knows nothing of the relations of economic interests or of class struggles based upon these interests. We already know that Marx and Engels did not have to go far to hear about or see these struggles. They were there, on the spot, when Proudhon was cheerfully explaining to the French bourgeoisie: "Ce n'est pas Catilina, qui est à vos portes, c'est la mort." But to proceed with Engels' history of the doctrine:

> The new facts made imperative a new examination of all past history. Then it was seen that *all* past history, with the exception of its primitive stages, was the history of class struggles; that these warring classes of society are always the products of the modes of production and of exchange—in a word of the *economic* conditions of their time; that the economic structure of society always furnishes the real basis, starting from which we can alone work out the ultimate explanation of the whole superstructure of juridical and political institutions as well as of the religious, philosophical and other ideas of a given historical period. From that time Socialism was no longer an accidental discovery of this or that ingenious brain, but the necessary outcome of the struggle between two historically developed classes—the proletariat and the

[1] Engels, Socialism Utopian and Scientific (Chicago, 1908), p. 36.

[2] *Ibid.* p. 38.

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bourgeoisie. Its task was no longer to manufacture a system of society as perfect as possible, but to examine the historico-economic succession of events from which these classes and their antagonism had of necessity sprung and to discover in the economic conditions thus created the means of ending the conflict.[1]

The development of the forces of production thus took the place of Hegel's absolute "Idea"; these forces moved history, and they moved it through class struggle. Every system of production necessitated certain relations of production, a certain division of labor and certain legal institutions. In the last analysis, accordingly, our own social order is dependent on our own method of production. "As in religion man is governed by the products of his own brain, so in capitalist production he is governed by the products of his own hand"; and this, according to Marx, is equally true about all preceding eras.[2] Social production has always brought about of necessity a division of labor, and the division of labor has divided society into classes. Despite all the multiplicity and variety to be found in the social relations of the past ages, they have one common trait—the exploitation of one part of society by another.[3] It does not require deep intuition to comprehend that a man's ideas and views are influenced by the conditions of his material existence.[4] Where the existence of one group depends upon the exploitation of another group, the general ideas of these two groups are bound to be antagonistic. The oppressor and the oppressed must stand in opposition to each other; and "the history of all hitherto existing society is the history of class struggles."[5] In all past ages we find a complicated division of society into ranks and classes. In Rome patricians, knights, plebeians, slaves; in the middle ages feudal lords, vassals, guild-masters, journeymen, apprentices, serfs. Modern society did not abolish class antagonisms; it only substituted new classes, new antagonisms, new forms of struggle in

[1] *Ibid.* pp. 41, 42.

[2] Marx, Capital (4th ed., London, 1891), pp. 634, 635.

[3] Communist Manifesto, p. 44.

[4] *Ibid.* p. 42.

[5] The opening words of the Communist Manifesto.

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the place of the old ones. But, Marx continues—and this, as we shall see, is a crucial statement—

> Our epoch, the epoch of the bourgeoisie, possesses, however, this distinctive feature; it has simplified the class antagonisms. Society as a whole is more and more splitting up into two great hostile camps, into two great classes directly facing each other: Bourgeoisie and Proletariat.[1]

With the development of industry the proletariat becomes concentrated in great masses; its strength increases and it has growing consciousness of its strength. The industrial proletariat forms local combinations, trade unions; to keep up the rate of wages, they go through the school of struggle. Modern means of communication soon bring all the local organizations into close touch; and thus the industrial proletariat becomes organized into a class, which is disciplined and ready for battle.

> The proletarian movement is the self-conscious, independent movement of the immense majority, in the interests of the immense majority. The proletariat, the lowest stratum of our present society, cannot stir, cannot raise itself up, without the whole superincumbent strata of official society being sprung into the air.[2]

The proletariat is therefore the only really revolutionary class. Other classes are destined to decay, while the proletariat is marching towards victory. What is the proletariat clamoring for? The conquest of political power. Addressing himself directly to the dominant class, Marx says:

> Your jurisprudence is but the will of your class made into a law for all, a will whose essential character and direction are determined by the economical conditions of existence of your class[3] . . . The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie.[4]

In order to accomplish its task the proletariat must first of all wrest the political power from the hands of all other classes. Only through a dictatorship of the proletarian class can the social

[1] The Communist Manifesto, p. 13.
[2] *Ibid*, p. 30.
[3] *Ibid.* p. 39.
[4] *Ibid.* p. 15.

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revolution attain its object—socialized production and, with it, the abolition of all classes. The true socialist movement is a declaration of war, of civil war, of revolution—*Permanenzerklärung der Revolution!*[1]

Thus, we see, Guizot was quite right in saying that no class has ever made its appearance in human history with more audacious demands—no sharing of power, no compromise, but dictatorship of the proletariat and the complete upheaval and uprooting of all existing economic and social relationships. This end cannot be achieved by Sunday-school picnics of parlor socialists, but only by a social revolution. "Let the ruling classes tremble at a communistic revolution. The proletarians have nothing to lose but their chains. They have a world to win."[2] And if promises are to be made good, no quarter is to be given in the winning of this new world. In the last number of *Die neue Rheinische Zeitung* Marx tells us:

We are ruthless and want no consideration from you [the bourgeoisie]. When our turn comes, revolutionary terrorism will not be sugar-coated. . . . There is but one way of simplifying, shortening, concentrating the

[1] "Während so die Utopie, der doktrinäre Sozialismus, der die Gesammtbewegung einem ihrer Momente unterordnet, der an die Stelle der gemeinschaftlichen, gesellschaftlichen Production die Hirnthätigkeit des einzelnen Pedanten setzt, und vor allem den revolutionären Kampf der Klassen mit seinen Nothwendigkeiten durch kleine Kunststücke oder grosse Sentimentalitäten wegphantasiert, während dieser doktrinäre Sozialismus, der im Grunde nur die jetzige Gesellschaft idealisiert, ein schattenloses Bild von ihr aufnimmt und sein Ideal gegen ihre Wirklichkeit durchsetzen will, während dieser Sozialismus von dem Proletariat an das Kleinbürgertum abgetreten wird, während der Kampf der verschiedenen Sozialisten-Chefs unter sich selbst jedes der sogenannten Systeme als anspruchsvolle Festhaltung des einen der Durchgangspunkte der sozialen Umwälzung gegen den anderen herausstellt—gruppirt sich das Proletariat immer mehr um den *revolutionären Sozialismus*, um den Kommunismus, für den die Bourgeoisie selbst den Namen Blanqui erfunden hat. *Dieser Sozialismus ist die Permanenzerklärung der Revolution, die Klassendiktatur des Proletariats, als notwendiger Durchgangspunkt zur Abschaffung der Klassenunterschiede, zur Abschaffung sämmtlicher Produktionsverhältnisse, worauf sie beruhen, zur Abschaffung sämmtlicher gesellschaftlichen Beziehungen, die diesen Produktionsverhältnissen entsprechen, zur Umwälzung sämmtlicher Ideen die aus diesen gesellschaftlichen Beziehungen hervorgehen.*" Karl Marx, Die Klassenkämpfe in Frankreich: 1848–1850 (Berlin, 1895), pp. 94, 95.

[2] The closing lines of the Communist Manifesto.

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death agony of the old society as well as the bloody labor of the new world's birth—revolutionary Terror.[1]

Accordingly the *Communist Manifesto* promises that, as soon as the proletariat becomes the ruling class, the reorganization of society will begin "with despotic inroads on the rights of property and on the conditions of bourgeois production." The proletariat, however, is not to remain permanently in dictatorship as a class, since with the reorganization of society on the basis of socialized production all classes will disappear.

Political power, properly so-called, is merely the organized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled by the force of circumstances to organize itself as a class, if by means of a revolution it makes itself the ruling class and, as such, sweeps away by force the old conditions of production, then along with these conditions it will have swept away the conditions for the existence of class antagonisms and of classes generally, and will thereby have abolished its own supremacy as a class.[2]

But the proletariat is not to abdicate its dictatorship too soon. Let vengeance triumph; like a blue flame, let it go through the hearts of the people; as a red flame, let it blaze in the cities and the towns. The leaders of the proletariat must see to it

that the revolutionary excitement shall not subside immediately after the victory is won. On the contrary, this excitement must be kept up as long as possible. Far from stopping so-called excesses, examples of popular vengeance upon hated individuals and public buildings, with which bitter memories are associated, one must not only tolerate these examples but lead and conduct them.[3]

[1] "Wir sind rücksichtslos, und verlangen keine Rücksicht von Euch. Wenn die Reihe an uns kommt, wir werden den Terrorismus nicht beschönigen. . . Es giebt nur ein Mittel, die mörderischen Todeswehen der alten Gesellschaft, die blutigen Geburtswehen der neuen abzukürzen, zu vereinfachen, zu konzentrieren, nur ein Mittel—den revolutionären Terrorismus!" Marx, in his newspaper *Die neue Rheinische Zeitung*, no. 301, May 19, 1849.

[2] Communist Manifesto, pp. 46, 47.

[3] "Sie müssen dahin arbeiten, dass die unmittelbare revolutionäre Aufregung nicht sogleich unmittelbar nach dem Siege unterdrückt wird. Sie müssen sie im Gegentheil solange wie möglich aufrecht erhalten. Weit entfernt, den sogenannten Ex-

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These are fruits from the tree of life, not from the tree of knowledge. The angel of vengeance penned these exhortations; yet they are illuminating so far as Marx the man is concerned. *Ich bin das Schwert und ich bin die Flamme* was a striking note in his life. But his thought was deeper and more powerful. His thought was constantly hunting down the cheap pet notions of his revolutionary predecessors and contemporaries, but he could not always free himself from their ideas. Hence his inconsistencies were many, and some of them his followers have frankly acknowledged. In speaking of religions, Feuerbach observes that each religion is extremely rational and sensible in its criticism of other religions; but what it criticizes in another religion it will never question in its own doctrine.[1] This was equally true of Marxism.

But let us consider the class-struggle doctrine; and let us ask, first of all: What is a "class"? Marx was about to answer the question, when death interrupted his work in the middle of a sentence; and the faithful Engels, who edited the third volume of the *Capital*, informs us: "Hier bricht das Manuscript ab." But the answer is not difficult: groups having similar sources of revenue and conscious of similar or identical economic interests may be called social classes. Of course a class does not exist in flesh and blood, any more than the "ordo felis" of the zoölogical textbooks. It is a matter of grouping; and we accept an economic classification of society as scientifically useful. The significance of social classes, however, may easily be misinterpreted. Marx dealt with such classes as political economy had long dealt with the economic man. The economic man is entirely actuated by his personal economic interests. It is

cessen, den Exempeln der Volksrache an verhassten Individuen oder öffentlichen Gebäuden, an die sich nur gehässige Erinnerungen knüpfen, entgegenzutreten, muss man diese Exempel nicht nur dulden, sondern ihre Leitung selbst in die Hand nehmen." Ansprache der Centralbehörde an den Bund, vom Marz, 1850: Anhang IX der Enthüllungen über den Kommunistenprocess zu Köln (Hottingen, Zurich, 1885), p. 79.

[1] "Jede Religion ist rationalistisch gegen die anderen Religionen, aber in Bezug auf sich selbst sind sie blind, bei sich machen sie eine Ausnahme von der allgemeinen Regel, da lässt sie nicht gelten was sie ohne Bedenken bei anderen gelten lässt." L. Feuerbach, Werke (Leipzig, 1846), vol. i, p. 66.

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doubtful whether Wall Street or a penitentiary could exhibit a perfect specimen of an economic man. The social class is an ideal body of economic men whose economic interests coincide: it represents a community of interests.

The social classes are in constant struggle. Do interests always involve struggle? Are battle, murder and sudden death in the self-interest of those that die? A bullet in the breast is not in the interest of the one that gets it, but a soldier dies that his country may live. Acute and active struggle is never in the interest of those that struggle, but it may be in the interest of the nation, the group, the class. Those that participate in such a struggle do so out of ideal devotion and loyalty to the group, not out of self-interest. This circumstance makes class psychology much more complex than it appears to be in the Marxian scheme. The economic interests of the individual are simpler than his loyalties and devotions; and if class psychology is based wholly or mainly on economic interests, without due allowance for group loyalties, it becomes simple, indeed, but it is inadequate. One's interests and one's grievances will undoubtedly influence one's ideals; but to what extent it will influence them, and how much of other traditional and broader loyalties and inhibitions it will exclude—these are the real questions.

Marx admits the influence of traditional inhibitions:

> Man makes his own history, but he does not make it out of whole cloth, he does not make it out of conditions chosen by himself but out of such as he finds close at hand. The tradition of all past generations weighs like an Alp upon the brain of the living.[1]

Marx also admits that even our revolutions require traditions, historic memories, deeply rooted loyalties, that overcome our personal fears and lead us to self-sacrifice and heroic action. Yet what he grants for the immediate past, he denies to the immediate future; he expects our social psychology to act tomorrow as if a different mechanism were installed within us. He tells us:

[1] Karl Marx, The Eighteenth Brumaire of Louis Bonaparte, translated by Daniel De Leon (New York, 1898), p. 5. For "Alp" read "nightmare."

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The social revolution of the nineteenth century can not draw its poetry from the past, it can draw that only from the future. It cannot start upon its work before it has stricken off all superstition concerning the past. Former revolutions required historic reminiscences in order to intoxicate themselves with their issues. The revolution of the nineteenth century must let the dead bury their dead in order to reach its issue. With the former, the phrase surpassed the substance; with this one, the substance surpasses the phrase.[1]

It is well to bear in mind that a definition of a class does not describe the actual make-up of the class or indicate the character of the individuals that belong to it. Every definition is, as Spinoza used to say, a negation. In defining a class we emphasize characteristics which that particular class possesses and other classes do not possess; we emphasize the exclusive characteristics; and in defining an economic class we include from the start as a criterion of the class an economic antagonism to other classes. Working with this criterion, we can not talk about solidarity of classes with one another, because absence of such solidarity, uncompromising antagonism to other classes, is what in part constitutes a class. This is perfectly sound logic; but only a man of unsound mind will fail to see through it. Even Marx never taught that the struggle of class d[illegible]ions makes history. In real life, regarded in all its aspects, a class is something quite different from the definition. There is a cohesion, a solidarity in the society to which the individual members of all the classes belong. There is national solidarity, there is human solidarity, there are a thousand and one cross-sectional solidarities and loyalties, all of which are ignored in our class definition. Even Kautsky has to admit that the whole is bigger than any one of its constituent parts and that the common interests outweigh the class interests.[2]

If we had class loyalties only, and if these were entirely domi-

[1] *Ibid.* p. 7.

[2] "Das Ganze ist mehr als der Teil. So steht auch über dem Klasseninteresse das Gemeininteresse, das gesellschaftliche Interesse. . . . Sie vergessen dass man eine Solidarität der Klassen leugnen und doch eine Solidarität der Menschen anerkennen kann." Kautsky, "Klasseninteresse, Sonderinteresse, Gemeininteresse"; *Neue Zeit*, Jahrg. 21, vol. ii (1903), pp. 266, 274.

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nated by the economic interests of the individuals who compose the classes, then Marx's fundamental proposition, that the history of all hitherto existing society is a history of class struggles, would be true. But this proposition is far from true. In his preface to the second edition of *Capital*, in speaking of earlier English history, Marx states: "Its political economy belongs to the period in which the class struggle was as yet undeveloped."[1] Thus on the one hand we are told that all history, English history certainly not excluded, is a history of class struggles, and on the other hand we are informed that in the beginning of the nineteenth century class struggle was as yet not developed in England. This is not an unintentional slip, of which an unfair advantage is here taken. The orthodox interpreter of Marx, Karl Kautsky, modifies Marx's statement regarding the importance of class struggle by saying that only under certain social conditions does class struggle become the motive of history[2]—a statement quite different from Marx's and of no conceivable use in Marx's system. Marx assumes and is searching for a steady continuity of the historical process. What really constitutes the continuity of the so-called historical process is the misinterpretation of the past in the light of our anticipations of the future; and the assumption that all history turns upon class struggle is the particular misinterpretation which Marx's anticipations require. If class struggles flare up at times only and do not grow in power and magnitude, what assurance has Marx of the inevitable victory of the proletariat and of the subsequent abolition of all classes? Today a furious class struggle may rage, as it often did in the past; tomorrow social calm may prevail. The mere vision and prophecy that ultimately there will be no classes, that absolute equality will reign, that here on earth we shall have the kingdom of heaven, will neither elicit antagonism nor attract energetic political support. Only results within our sphere of vision, which as a rule is narrow, will incite us to effort; and the nearer our goal, the

[1] Marx, Capital (English 4th ed., London, 1891), p. xxii.

[2] "Nur unter bestimmten gesellschaftlichen Bedingungen ist die Triebkraft der Geschichte der Klassenkampf, stets ist es in letzter Linie der Kampf gegen die Natur." Kautsky, Die historische Leistung von Karl Marx (Berlin, 1908), p. 11.

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greater our energy. That is why, in making social theories, we always begin with the end and adopt or manufacture a theory that promises the most immediate accomplishment of the end. Can you show me a *popular* socialistic theory that expects the realization of its purpose in future centuries? I do not know of any. Before the industrial development made any substantial progress, Babeuf and Blanqui urged conspiracy and forcible overthrow; Fourier and Considérant, Cabet, Owen, Thompson, Weitling and others urged the immediate organization of voluntary communities.

Philosophically advanced, but industrially backward, the Germany of the forties believed in the power of the educated few to mould and reconstruct society, because this was the only possible immediate relief that faith could offer. Radical Russia greeted Marx's works with prompt enthusiasm; but in the sixties, seventies and eighties Russia was a purely agricultural country, without any industry and therefore without any industrial proletariat. Did the Russian socialists propose to wait for the development of a capitalistic industry? Not at all. They immediately abolished Marx's economic interpretation of history. They argued that the capitalistic stage was entirely unnecessary in Russia, and that Russia could develop its socialized production *etc.* from its village community, its *mir*.[1] All that was required was the leadership and foresight of the heroic personality; the masses were but passive material. These doctrines of the so-called "Narodniki"[2] were so firmly grounded in Russia that Marx's economic interpretation of history with his class-struggle doctrine, his theory of concentration *etc.* could make no headway whatsoever till Russia's industry began to develop with giant strides. Then the theories of the "Narodniki" melted like snow and orthodox Marxism swept the country. The belief in the heroic personality gave way to the faith in the proletariat; but the collapse of capitalistic society and the coming of the new social régime with all its glory was expected, as before, in the immediate future. Such is human nature.

[1] See Simkhovitch, Feldgemeinschaft in Russland (Jena, 1898), Vorwort.

[2] Simkhovitch, "Die sozial-ökonomischen Lehren der russischen Narodniki"; *Conrad's Jahrbücher*, 1897.

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What assurance of the future is contained in a theory that at times social classes are in acute struggle, but that these struggles are ordinarily followed by some sort of a peaceful *modus vivendi?* Does such a theory bring us any nearer to the promised land? Clearly not. Hence Marx's desperate assertion that all history is but a history of class struggles.

It is impossible to deny the significance and the influence of class struggles; but to reduce history to nothing but class struggles is an impossible construction.[1] What shall we do with the Napoleonic wars, with the unification of Germany, with the Tartar conquest of Russia? Can we interpret them in the light of class struggle, as Bebel attempted to interpret the abolition movement in America and the American civil war?[2] The discovery of printing and its influence upon the cultural development of Europe may also claim a place in history; but it would take greater inventive genius than Gutenberg possessed to hitch his invention to the class-struggle doctrine.

From the fact that all past history bears witness of a subjection of one class to another, of an exploitation of one class by another, Marx jumped to the conclusion that all history is a history of class struggles. Class exploitation and class struggle are, however, widely differing conceptions. For instance, we read in the Laws of Manu:

> The Brahman is lord of the castes. . . . Desertion of life for the sake

[1] The writer is quite in sympathy with the statement of Tugan-Baranowsky: "Der Klassenkampf ist gewiss aus der Geschichte nicht wegzuschaffen; es ist sogar anzunehmen, dass neuestens die Geltung dieses sozialen Moments bedeutend zugenommen hat. Trotzdem fällt heute wie früher die Menschengeschichte mit der Geschichte der Klassenkämpfe durchaus nicht zusammen, und die entgegengesetze Behauptung von Marx und Engels ist als grösster Irrtum zü bezeichnen." Tugan-Baranowsky, Theoretische Grundlagen des Marxismus (Leipzig, 1905), p. 129.

[2] . . . "Dann die grosse Sklavenemanzipation in Amerika. Da waren wohl nach Bernsteins Ansicht ethische Gesichtspunkte massgebend. (Heiterkeit.) Da war wohl das Mitleid mit den armen Sklaven. (Heiterkeit.) Für die nordamerikanische Bourgeoisie galt es, die Sklavenwirtschaft zü beseitigen und die Bahn frei zü machen für die moderne kapitalistische Entwickelung. (Sehr richtig!) Tausende von Sklavenbesitzern wurden ihres Eigentums an Sklaven beraubt. Vom ethischen Gesichtspunkte aus nennt man das ja wohl Diebstahl. (Grosse Heiterkeit.)" Protokoll über die Verhandlungen des Parteitages der Sozial-Demokratischen Partei Deutschlands, abgehalten zu Hannover, 1899, p. 121.

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of a Brahman . . . causes the ultimate bliss of outcasts. . . . [A Çudra] should serve the Brahmans for the sake of heaven, or for the sake of both heaven and livelihood. . . . Merely to serve the Brahmans is declared to be the most excellent occupation of a Çudra; for if he does anything other than this it profits him nothing. . . . His means of life should be arranged by the Brahmans . . . in accordance with what is fitting. . . . The leavings of food should be given him and the old clothes; so too the blighted part of the grain; so too the old furniture. . . . An accumulation of wealth should not be made by a Çudra even if he is able, for a Çudra getting possession of wealth merely injures the Brahmans.[1]

In this, as in other parts of Manu, we have class legislation, framed for purposes of class exploitation; but we are not aware that the history of the Hindustani was a history of class struggle.

All our economic relations are formulated in law. "The rules of the law," as Brooks Adams observes, "are established by the self-interest of the dominant class, so far as it can impose its will upon those who are weaker."[2] But the weaker were never weak numerically; they were weak because, for varying historical reasons, they did not assert themselves and did *not* struggle. Abject inertia, class submission, endurance without resistance are phenomena quite as impressive as class struggle. It is this circumstance that led Loria to the very exaggerated[3] statement:

It is not beliefs and ideas in general that constitute a factor in history but only the special beliefs and ideas of the proprietary class. Beliefs and ideas were also present in the hearts and minds of the slaves, the serfs and the wage-earners, but these beliefs and ideas have had not the least effect upon the march of history, for they have always been repressed by the beliefs and ideas of the patricians, the feudal lords and the capitalists.[4]

[1] The Ordinances of Manu, translated by A. C. Burnell, completed and edited by E. W. Hopkins (London, Trübner, 1884), lecture x, secs. 3, 62, 122–125, 129.

[2] Melville M. Bigelow, Centralization of the Law, Lecture I, Brooks Adams, "Nature of Law," p. 45.

[3] Loria overlooks the fact that the ideas of the ruling class take account of the ideas of the lower classes and reckon on their possible resistance.

[4] Achille Loria, The Economic Foundations of Society, translated by Lindley Keasbey (London, 1899), p. 371.

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The only explanation we can give for the striking class submission of the past is the fact that the ruling class was organized. Its organization was the state; it therefore could prevent and discourage any organization of the exploited classes; it could also control and hold in check the dissemination of ideas, subversive to its interests. Last but not least, the exploited class was as a rule scattered all over the country in small groups, which circumstance alone offered a practically unsurmountable difficulty to organization, *i. e.* to power.

The passive character of the German peasantry Marx himself was obliged to acknowledge:

> The small freeholders, the feudal tenants and the agricultural laborers never troubled their heads much about politics before the Revolution. . . . It is quite as evident and equally borne out by the history of all modern countries that the agricultural population, in consequence of its dispersion over a great space and of the difficulty of bringing about an agreement among any considerable portion of it, never can attempt a successful independent movement.[1]

So much in regard to class struggles in the past; let us now turn to Marx's views of class struggle in his own days. In his view, the struggle becomes simplified: it narrows down to a struggle between two classes, capitalists and proletarians. The city rules the country; the middle class is being wiped out, pushed down into the ranks of the proletariat; and as the legions of the proletariat are swelling, concentration of capital is rapidly diminishing the number of capitalists. Thus the last ruling class is tottering to its grave. These are startling assertions, very important if true; and the first question that naturally suggests itself is: on what concrete political experiences are these generalizations based?

Marx was a careful student of the French social movement of the time, and we have two valuable monographs of his on the French revolutionary movement. Both of them are determined efforts to interpret the movement in the light of his doctrine.

[1] Karl Marx, Revolution and Counter-Revolution or Germany in 1848 (London, 1904), pp. 10, 11.

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These two monographs were written in 1850 and 1851. The failure of the revolution he regarded as only a temporary check; the breakdown of the capitalist system and the victory of the proletariat he expected in the immediate future.

French society, however, did not present itself to him as divided into two classes only; rather do we find him dealing with a whole series of classes. At the outset he informs us that it was not the French bourgeoisie that ruled under Louis Philippe, but only a fraction of it: the financial magnates and the stock-exchange manipulators. The industrial bourgeoisie (the manufacturers) were in opposition, the peasant class and the petty bourgeoisie (small traders *etc.*) were excluded from any participation in the affairs of state. We are also told that the large landed proprietors, who ruled under the July monarchy, were legitimist and therefore opposed to the Orleanist government.[1] In fact Marx enumerates even more classes that were opposed to the June insurrection of the Paris proletariat. "The bourgeois republic won. On its side stood the aristocracy of finance, the industrial bourgeoisie; the middle class, the small traders class; the army; the slums, organized as Garde Mobile; the intellectual celebrities; the parsons class, and the rural population."[2] Have any of these classes disappeared? Have they been pushed down into the ranks of the proletariat? In a former part of this study I have shown that middle-class incomes are on the increase in every civilized country; that the peasant class and the farmer class are increasing in strength and prosperity; and that the conception of a steadily diminishing number of capitalists (one capitalist killing many) is a chimera.[3] Where then is the basis for the statement that class struggle is reduced to a contest between capitalists and proletarians? And does even the industrial city population form a single political class? Marx himself distinguishes the so-called social slum (*Lumpenproletariat*) as not only not revolutionary, but as ever

[1] Marx, The Eighteenth Brumaire of Louis Bonaparte (New York, 1898), p. 18; Die Klassenkämpfe in Frankreich (Berlin, 1895), p. 20.

[2] Marx, The Eighteenth Brumaire, p. 10.

[3] See POLITICAL SCIENCE QUARTERLY, vol. xxiii, pp. 655-689.

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ready material for a reactionary movement, the bribed tool of the counter-revolution. But how is one to distinguish the reactionary slum proletarian from the genuine proletarian? Marx describes the slum proletarians as *gens sans feu et sans aveu*, *lazzaroni*, criminals, procurers, the offal and wreck of all classes.[1] But is it not remarkable that Marx could distinguish this section of the proletariat at a glance while, according to his own statement, the working people of Paris could not? Thus they cheered the Garde Mobile (whom Marx describes as the organized slums), recognizing in them their fellows and friends who fought in February on the barricades.[2] But whether Marx is right or wrong in his characterization of the non-revolutionary proletariat, this much is clear: a very large portion of the so-called proletarian population can not be relied upon to fight the proletarian battles! Immediate personal interests on the one hand, traditional ideals and national consciousness on the other are powerful factors against class-consciousness, especially when the latter demands personal sacrifices.

Perusing Marx's own story of the French struggles of 1848 and of the rise of Louis Bonaparte to power, we come to the self-evident and platitudinous conclusion that, if one class presses its own interests to the point of jeopardizing the interests of all other classes, the latter will temporarily lay aside their differences and the aggressive class will come to grief. Louis Philippe and the financial aristocracy managed to exasperate, not only the working class, but also the manufacturing interests, the merchants, the trades people, the landed proprietors, until all these classes united and contributed to the success of the Feb-

[1] "Sie gehörten grossentheils dem Lumpenproletariat an, das in allen grossen Städten eine vom industriellen Proletariat genau unterschiedene Masse bildet, ein Rekrutirplatz für Diebe und Verbrecher aller Art, von dem Abfällen der Gesellschaft lebend, Leute ohne bestimmten Arbeitszweig, Herumtreiber, *gens sans feu et sans aveu*, verschieden nach dem Bildungsgrade der Nation, der sie angehören, nie den Lazzaronicharacter verleugnen". Marx, Die Klassenkämpfe in Frankreich, pp. 33, 34.

[2] "So stand dem Pariser Proletariat eine aus seiner eigenen Mitte gezogene Armee von 24,000 jugendlich kräftigen, tollkühnen Männern gegenüber. Er schrie der Mobilgarde auf ihren Zügen durch Paris Vivats! zu. Er erkannte in ihr seine Vorkämpfer auf den Barrikaden." *Ibid.* p. 34.

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ruary revolution.[1] The triumph of Louis Bonaparte is attributed by Marx to the peasantry. "It was a reaction of the farmers' class, who had been expected to pay the costs of the February revolution."[2] "The French government does not float in the air. Bonaparte represents an economic class, and that the most numerous in the commonwealth of France — the allotment farmer."[3] And this most numerous class is regarded by Marx as the true representative of barbarism within the borderlines of civilization.[4] It was not, however, the peasantry alone that tendered Louis Bonaparte the crown. According to Marx he was for various reasons the favorite of all parties: Louis was the "chief of the slum proletariat."[5] The aristocracy of finance hailed every victory of Louis over the parliament as a "victory of order," and he was recognized as the guardian of order on every stock exchange in Europe.[6] The mass of the bourgeoisie craved the protection of a strong and unhampered government to the end that "it might ply its own private pursuits in safety."[7] Manufacturing interests forgot their opposition to the exchange manipulators: "What is a diminution of profits by financial manipulators to an abolition of profit by the proletariat?"[8] Finally, the whole bourgeoisie, "in this unspeakable and noisy

[1] "Die provisorische Regierung, die sich auf den Februarbarrikaden erhob, spiegelte in ihrer Zusammensetzung nothwendig die verschiedenen Parteien ab, worunter sich der Sieg verteilte. Sie konnte nichts Anderes sein als ein *Kompromiss der verschiedenen Klassen*, die gemeinsam den Julithron umgestürzt, deren Interessen sich aber feindlich gegenüberstanden. *Ihre grosse Majorität* bestand aus Vertretern der Bourgeoisie. Das republikanische Kleinbürgertum wurde vertreten in Ledru-Rollin und Flocon, die republicanische Bourgeoisie in den Leuten vom National, die dynastische Opposition in Cremieux, Dupont de l'Eure u. s. w. Die Arbeiterklasse besass nur zwei Repräsentanten, Louis Blanc und Albert." *Ibid.* pp. 24, 25.

[2] Marx, The Eighteenth Brumaire, p. 17. [3] *Ibid.* p. 70.

[4] "Der 10 Dezember 1848 war der Tag der Bauerninsurrection. Erst von diesem Tage an datirte der Februar für die französischen Bauern. Das Symbol, das ihren Eintritt in die revolutionäre Bewegung ausdrückte, unbeholfen-verschlagen, schurkisch-naiv, tölpelhaft-sublim, ein berechneter Aberglaube, eine pathetische Burleske, ein genial-alberner Anachronismus, eine weltgeschichtliche Eulenspiegelei, eine unentzifferbare Hieroglyphe für den Verstand der Civilisirten—trug dies Symbol unverkennbar die Physiognomie der Klasse, welche innerhalb der Civilisation die Barbarei vertritt." Marx, Die Klassenkämpfe in Frankreich, pp. 50, 51.

[5] Marx, Eighteenth Brumaire, p. 41. [6] *Ibid.* p. 58. [7] *Ibid.* p. 60.

[8] Marx, Die Klassenkämpfe in Frankreich, p. 84.

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confusion of fusion, revision, prorogation, constitution, conspiracy, coalition, emigration, usurpation and revolution, blurts out at his parliamentary republic: 'Rather an end with fright, than fright without end.'"[1] Thus ended the second republic, showing a remarkable solidarity of classes in the face of a threat, real or imaginary, of economic disorganization.

But the revolution of 1848 and Bonaparte's *coup d'état* belong to the past. How about the present? The industrial proletariat has undoubtedly grown; but so has the political insight of the other classes. As we have already seen, the middle class and the farmers have not been swept away; the capitalist magnates, instead of diminishing, have grown in number, and they have grown relatively much faster than the proletariat. Marx expected increasing bitterness of class struggle because of increasing misery. In a previous portion of this study it has been conclusively shown that the situation of the working class has improved greatly in the last sixty years. So this prophecy of Marx has also failed of fulfilment.

Representative government based on manhood suffrage has changed the character of so-called class struggles. It has increased their magnitude but diminished their intensity. It has taken from them the bitter quality and the revolutionary character which were so striking in the class struggles of the past. It is reasonable that it should be so. Every law regulating civil affairs affects various interests. When legislation was in the hands of privileged classes and others were excluded from power, even self-expression was restricted or prohibited. When, for example, the political struggle of interests was limited to the landed and moneyed classes, the interests of the farmer and of the laboring city population found no expression; the ruling classes walked over them. But they walked over a volcano. The moment the disfranchised classes were able to organize, their power became dangerous to the very existence of the state, because in the state they saw their enemy, in its laws, the enemy's weapons. The only thing that could save the state was the irrational character of the revolt. Take Russia as

[1] Marx, Eighteenth Brumaire, p. 62.

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an example. There was no peasant class struggle before 1905, but the bitterness was there. No sooner was the state compromised and disorganized by the Japanese victories, than twenty-nine millions' worth of property was burned by the peasants. In the October days the council of labor delegates ruled Petersburg. All the peasant and labor deputies in the Duma demanded expropriation of the nobility, expropriation without any indemnity even from the state. These and similar demands defeated the Russian revolution and restored to the tsar's government its power.

In modern representative government every proposed tax and every proposed law is disputed by the interests which will be affected. These disputes may be called class struggles, but they are struggles of a different character. They are not revolutionary, they are not pushed to the point of antagonizing all other interests; and in these struggles there gradually develops an appreciation of the various interests and of their actual power. What has proven itself necessary *a posteriori* soon becomes an *a priori* virtue; men fight, but they do so as citizens acknowledging the superiority of the interests of the commonwealth as a whole over their particular interests. Thus a larger patriotism develops—the patriotism of a truer democracy. All this has been clearly set forth by the friend and literary executor of Marx and Engels, Edward Bernstein, who assuredly had no other reason for acknowledging this fading of class struggles and this growth of a nobler and more disinterested social spirit than his own experience and observation of political facts and tendencies during his long and honest political career.[1]

[1] "Dieser 'historischen' Auffassung Kautskys erlaube ich mir die 'kaufmännische' Bemerkung entgegenzuhalten, dass der Mensch zwei Seelen hat, sozusagen eine moralische doppelte Buchführung. Er steht in der modernen Gesellschaft als Individuum oder Mitglied einer Gruppe oder Klasse mehr oder weniger im Gegensatz zum Gemeinwesen, und davon ist keiner verschont, selbst der Arbeiter nicht, so sehr des letzteren weiteres Interesse mit dem des Gemeinwesens zusammenfällt. Aber jeder ist zugleich, da der moderne Staat keine rechtlich abgeschlossene Stände kennt, *Bürger*, und als solcher entwickelt er notwendigerweise Interesse am *Allgemeinwesen*, wenn er auch sucht die Kosten dafür möglichst einer anderen Klasse aufzubürden als der eigenen. Das gegensätzliche Interesse der Klassen wird ausgefochten teils im ökonomischen Koncurrenzkampf (wozu auch der Gewerkschaftskampf gehört) und

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We are talking about the increase of peace and good-will on earth, but it will be pointed out to us that in this fair country class struggles are raging as never before. We shall be asked whether the comparison of the chronicles of our own days with the histories of the past does not justify Marx and the socialist doctrine. Class struggle has found its way even into American literature, in poetry and in art. Is not our social life characterized in the lines of William Vaughn Moody:

> From the patient and the low
> I will take the joys they know;
> They shall hunger after vanities and still an-hungered go;
> Madness shall be on the people, ghastly jealousies arise;
> Brother's blood shall cry on brother up the dead and empty skies.

Two distinct points are implied in such contentions. First, that class struggles characterize the American life of today and did not characterize it in the past; secondly, that the class struggle of the industrial proletariat is gaining in volume, power, bitterness and political significance.

If by class struggles we mean evidences of friction of various interests, they have perhaps increased in volume. This is only natural in a rapidly developing country with a rapidly decreasing amount of elbow-room. That friction of interests did not exist in this country in the past is, however, an erroneous impression caused by an optical illusion. Our point of view has shifted.

wirkt da elementarisch, teils aber—und dies in immer höherem Grade—in der Gesetzgebung, und da kommt aus dem Widerstreit der Klasseninteressen doch langsam das Allgemeininteresse zum Durchbruch, und zwar um so mehr, je demokratischer das Gemeinwesen. Mit der Ausbildung der Demokratie muss der Klassenkampf allmählich andere Formen annehmen, als im Staate der politischen Klassenprivilegien. Gekämpft wird noch, aber mit dem Wort, der Presse, dem Stimmzettel, und alle Parteien, die von der Demokratie Stimmen beanspruchen, müssen dem Allgemeininteresse Tribut abstatten. Da geht es natürlich ohne Heuchelei nicht ab, aber die Heuchelei ist in diesem Falle thatsächlich der Tribut, den der Klassenegoismus dem Allgemeininteresse abstattet—oft genug mit knirschenden Zähnen. Ob aber willig oder nicht, das Resultat ist schliesslich das gleiche; *die Klasseninteressen weichen zurück, das Allgemeininteresse gewinnt an Macht.* Die Gesetzgebung wird zugleich dem Kampfe der ökonomischen Mächte gegenüber immer stärker und beherrscht schliesslich immer mehr Gebiete, die vordem dem blinden Kampfe der Sonderinteressen preisgegeben waren." Bernstein, Sozialistische Kontroversen (Berlin, 1904), pp. 68, 69.

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At present we are increasingly inclined to look at politics and history from a social and economic point of view, and, as a result, we see what we are looking for—struggles between the several economic interests. Our conviction that class struggles are increasing is due in large measure to a more realistic and practical point of view in our political science.

The second implication, namely, that the proletarian class is growing in strength and in class consciousness and is marching towards victory, I am constrained to deny altogether.

Class struggle and proletarian class struggle in the Marxian sense are two very different conceptions. A struggle of farming interests with manufacturing interests is a class struggle. It has, however, no bearing upon the victory of the proletariat or upon the advent of socialism. The only class-conscious struggle that is of momentous significance to Marxian socialism is that of the industrial proletariat, and nowhere is this class weaker nor are its chances of development anywhere slighter than in these United States. There are many reasons for this.

First of all, the steady stream of immigrants of numerous races, creeds and tongues is bound to retard the growth of class solidarity. The radicals of old failed in their monumental attempt because of the confusion of tongues, and the tower of Babel remained unfinished. Our radicals of today cannot even begin with their new tower; the crowd is too motley, the diversity of its component elements too great; what it has in common is confusion, not solidarity.

Secondly, our modern industrial organization is of such a nature that it undermines proletarian class consciousness. John R. Commons expresses it admirably in his article on the subject:

> Promotion, where speed is the standard, has rich possibilities compared with old forms of promotion based on skill. Under the older forms, workmen came into the various skilled trades by several side entrances of apprenticeship, and each trade had its narrow limits upward. Under the newer forms, the workmen nearly all come in at the bottom, and the occupations are graded by easy steps all the way to the top. The ambitious workman advances rapidly, and with every step his rate of pay increases and his work gets easier. But he remains all the time a part of a gang, and his earnings depend on the exertions of those below

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him. As he approaches the head of his gang he has the double job of a man who gets wages as a workman and profits on his fellow-workman. He begins to be paid both for his work and for making others work. Quite generally it will be found that the headmen of a gang are paid disproportionately high for the skill they are supposed to have. The difference is a payment, not for mechanical skill, but for loyalty. They keep their fellows up to the highest pitch of exertion and they stand by the company in times of discontent. Their promotion is not a mere outlet for agitation; it is a lid on the agitation of others. But there is still further room for promotion, when the workman becomes a foreman, superintendent or manager. Here he ceases manual work and keeps others at work. He gets a salary, often a bonus or a share in the profits, depending for its amount upon the work of his former fellows. Thus it is that a wise system of promotion becomes another branch of industrial psychology. If scientifically managed, as is done by the great corporations, it produces a steady evaporation of class feeling. I have often come upon fiery socialists and ardent trade-unionists thus vaporized and transformed by this elevating process.[1]

This principle of promotion from one class to another is fatal to the organization of a proletariat in our democratic commonwealth, because it tends to leave the lower strata without able leaders. At the same time it carries fresh force and intelligence into that class which, according to the socialist theory, is bound to disappear.

In the third volume of *Capital* Marx shows that he is half conscious of the situation. Speaking of credit, he points out that credit permits the able man without capital to function as a capitalist; and he remarks that a class which readily takes into its own ranks the ablest men of the lower strata makes its rule more solid and more dangerous.[2] This is obviously true; and it is equally true that nowhere are the doors of opportunity more widely open, that never was a capitalist class more ready to welcome into its ranks men of promise and ability, than in the United States. Such conditions are fatal to a proletarian

[1] John R. Commons, "Class Conflict in America"; *The American Journal of Sociology*, vol. xiii (Chicago, 1908), pp. 760, 761.

[2] "Jemehr eine herrschende Klasse fähig ist, die bedeutendsten Männer der beherrschten Klassen in sich aufzunehmen, desto solider und gefährlicher ist ihre Herrschaft." Marx, Das Kapital, vol. iii, part i (Hamburg, 1894), p. 140.

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movement. Where there is no prejudice against a man because he started as a laborer, the ex-laborer cannot be expected to adhere to the class from which he has emerged. His advice is: Do likewise; and his example is one of encouragement.

Under such conditions a proletarian movement is confronted by a peculiar dilemma. The man that is fit to be a leader, an organizer of the proletariat, is no longer himself a proletarian. His ability raises him above his class; he belongs potentially to another class. He is fit to be a successful manager of a mill; he can join the capitalist class at any time. And have we in this country so deep-seated a prejudice against personal and material success as to restrain a man from succeeding economically and socially? If labor in the United States is not content to be led by cheap men, it must find men actuated by more ideal motives and ready to make greater sacrifices than the political and social tone of this country authorizes it to expect.

But we shall be told that the test of the pudding is in the eating, and that trade unionism is growing. This statement at once raises the question: is trade unionism a proletarian class movement? This question is one which can not be adequately discussed in a few pages. A few points, however, may be noted. The aim of trade unionism is to improve the conditions of the wageworker; the aim of socialism is to abolish wage labor. The Marxist expects the revolt of the proletarian class because of its increasing misery; he expects no revolt because of better conditions of existence. What the Marxist likes about trade unionism is that it organizes wage-workers and trains them in local and partial class struggles; what he dislikes in trade unionism is its exclusiveness, its refusal to take in more than a small portion of the proletarian class. A few months ago Kautsky's *Erfurter Program* was translated into English under the title, *The Class Struggle*. There we read:

> Far-sighted politicians and industrial leaders have not been slow to take advantage of this condition. To-day the worst enemies of the working class are not the stupid, reactionary statesmen who hope to keep down the labor movement through openly repressive measures. Its worst enemies are the pretended friends who encourage craft unions, and thus attempt to cut off the skilled trades from the rest of their class.

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They are trying to turn the most efficient division of the proletarian army against the great mass, against those whose position as unskilled workers makes them least capable of defense.[1]

The tendencies of American socialism and American trade unionism are so different that little love is lost between the two camps.

Moreover, the prospects of trade unionism itself are not wholly encouraging in this country. It has encountered and still encounters great difficulties. Commons writes in the article already cited:

> Of the 6,000,000 wage-earners mentioned, possibly 2,000,000 are organized in unions. But the unions have practically disappeared from the trusts, and are disappearing from the large corporations as they grow large enough to specialize minutely their labor. The organized workmen are found in the small establishments like the building trades, or the fringe of independents on the skirts of the trusts; on the railways where skill and responsibility are not yet displaced by division of labor; in the mines where strike-breakers cannot be shipped in; on the docks and other places where they hold a strategic position. While the number of organized workmen shows an increase in these directions, it shows a decrease in the others. It is in these organized industries that the class conflict appears, and there the lines are drawing tighter. It is there that employers' associations are forcing employers into line and are struggling to do for the medium employer what the trust does without association. But most of the unions in question are not unions of a class. They are unions of a trade or a strategic occupation.[2]

We are forced to the conclusion that the proletarian class movement is in this country a negligible quantity. In all the criss-cross class struggles capital is signally victorious. The victories of corporate wealth have been so overwhelming that what capital is facing to-day is a coalition of all smaller interests in the name of democracy.

[1] Kautsky, The Class Struggle, p. 182. The English translation differs from the German text (2nd edition, Stuttgart, 1892), where the original of the passage cited will be found on p. 213.

[2] J. R. Commons, "Class Conflict in America"; *The American Journal of Sociology*, vol. xiii, p. 759.

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We all know that the Constitution, as interpreted by the courts, has given capital a strong position. The fourteenth amendment, intended for the benefit of the negroes, protects capital from so-called "class legislation." In the opinion of many Americans, the constitutional position of capital is impregnable and the sovereignty of the state is denied; but, if so, it is so from a static point of view only. Social life is any thing but static. I therefore do not agree with President Hadley's statement that "the fundamental division of powers in the Constitution of the United States is between voters on the one hand and property owners on the other."[1] In the long run the constitution of a country means precisely what the voters want it to mean. These voters of course represent divergent interests and strife is inevitable; but so is its democratic outcome—a just balance of interests.

And rival storms abroad are surging
From sea to land, from land to sea,
A chain of deepest action forging
Round all, in wrathful energy.
There flames a desolation, blazing
Before the thunder's crashing way;
Yet, Lord, Thy messengers are praising
The gentle movement of Thy day.[2]

VLADIMIR G. SIMKHOVITCH.

[1] Hadley, "The Constitutional Position of Property in America"; *The Independent*, April 16, 1908.

[2] Faust, Prologue in Heaven.

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JUDICIAL VIEWS OF THE RESTRICTION OF WOMEN'S HOURS OF LABOR

FOR more than thirty years the validity of legislative restrictions upon employment of women has divided the minds of American jurists. Private rights, the sanctity of freedom of contract, equality before the law have stood over against sex differences, social well-being and the proper exercise of the police power. To express in abstract terms the relation between these points of view would not be a task of insuperable difficulty. To group special cases consistently under the one or the other has proven a task that our courts have not been able to perform with uniform satisfaction.

Many of the early cases that came before the state courts turned upon the employment of women as waitresses in saloons. In 1881, a California law forbidding women to work as waitresses in saloons was brought before the supreme court of that state. The court pronounced the law unconstitutional as being in violation of the rights of adult citizens of that state.[1] In 1884, an ordinance of the city of Cleveland established the same restriction within the municipal limits. Endeavor was made to have the ordinance set aside as being in violation of the provisions of both the state and the federal constitutions, which secure to all citizens the rights of life, liberty and property. This was the contention that was upheld in the California case. The Supreme Court of Ohio pronounced the ordinance valid, but on the special ground that the power to regulate the sale of liquors is expressly delegated to cities in that state.[2]

Although these are among the earlier cases, they are not the earliest; and other cases, because of their greater importance, have attracted more attention. The restriction of the hours of labor to be undertaken by women in manufacturing industries has aroused the fiercest contention. Here there are two clearly

[1] Case of Mary Maguire. 57 Cal, 604.

[2] Bergman *v.* Cleveland, 39 Ohio, 651.

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defined lines of argument, each one of which has been so ably developed that neither has been completely driven from the field.

I

The earliest case, which has been recognized as a leading case on the one side of the question, was decided by the supreme judicial court of Massachusetts in 1876.[1] The law under consideration was one limiting to ten hours a day the legal workday of minors under eighteen and of all women. The decision is a brief one. It does not assume that an elaborate argument is necessary. It rather takes the attitude that the burden of proof rests upon those who undertake to show that the law is unconstitutional. On their behalf it was asserted that the act of incorporation was a contract with the commonwealth, and that the law impaired that contract. This the court would not admit. A considerable portion of the decision is taken up with a consideration of this question, concluding with the statement: "The law, therefore, violates no contract." Taking up other points, the court continues:

[The law] merely provides that in an employment, which the legislature has evidently deemed to some extent dangerous to health, no person shall be engaged in labor more than ten hours a day or sixty hours a week. There can be no doubt that such legislation may be maintained either as a health or police regulation, if it were necessary to resort to either of those sources for power. This principle has been so frequently recognized in this Commonwealth that reference to the decisions is unnecessary. . . . It is also said that the law violates the right of Mary Shirley to labor in accordance with her own judgment as to the number of hours she shall work. The obvious and conclusive reply to this is, that the law does not limit her right to labor as many hours per day or per week, as she may desire; it does not in terms forbid her laboring in any particular business or occupation as many hours per day or per week as she may desire; it merely prohibits her being employed continuously in the same service more than a certain number of hours per day or week, which is so clearly within the power of the legislature, that it becomes unnecessary to inquire whether it is a matter of grievance of which this defendant has a right to complain.

[1] Commonwealth *v.* Hamilton Manufacturing Company, 120 Mass. 383.

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The reasoning is not complete enough to satisfy one who would like to know the full mind of the court upon a question that has become of so great importance. The decision was written at a date when the principles involved had not yet come to be regarded as of much consequence. At the same time, the case is one of more than usual interest, being cited in other cases as authority for similar legislation.

After the lapse of twenty-six years, two similar cases came up for adjudication. In these cases the scene was shifted to the West. A law enacted by the Nebraska legislature came before the supreme court of that state in 1902, and in the same year a similar law was brought before the supreme court of the state of Washington. The two statutes were similar to that upheld in Massachusetts, in that they limited the hours of women's labor to ten a day. The Nebraska law added a clause forbidding night work. In the decision of these cases the points in controversy were discussed at greater length than in the earlier case, and the opinions of the two courts incorporated the line of argument which of late has been more fully developed.

In the first of these cases,[1] the justice who writes the opinion refers to the importance of the relations existing between the departments of our government. "Courts should never usurp legislative functions. . . . If, after a careful consideration of the question in all of its bearings, the matter [of constitutionality] is left in doubt, we should resolve such doubt in favor of the law, and declare it valid." The court admits that the plaintiff's business is property and that the ability of the working women is also property.

> It must be conceded, however, that every property-holder is secured in his title thereto and holds it under the implied rule and understanding that its use may be so regulated and restricted that it shall not be injurious to the equal enjoyment of others having the equal right to the enjoyment of their property, or to the rights of the community in which he lives. All property in this state is held subject to rules regulating the common good and the general welfare of our people.

The limitation upon such rights should of course be reasonable,

[1] Wenham *v.* State, Nebraska Supreme Court, 91 N. W. Rep. 421.

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but the reasonableness is to be determined by the legislature as a matter of expediency. This question the legislature is well fitted to answer.

The members of the legislature come from no particular class. They are elected from every portion of the state, and come from every avocation and from all the walks of life. They have observed the conditions with which they are surrounded, and know from experience what laws are necessary to be enacted for the welfare of the communities in which they reside.

Justification of the law is found in the fact that "women and children have always, to a certain extent, been wards of the state. Women in recent years have been partly emancipated from their common-law disabilities. They now have a limited right to contract." While they may own property, yet they have no voice in the enactment of the laws. These considerations were evidently of importance to the court, but a consideration of greater weight follows:

[Women] are unable, by reason of their physical limitations, to endure the same hours of exhaustive labor as may be endured by adult males. Certain kinds of work which may be performed by men without injury to their health would wreck the constitutions and destroy the health of women, and render them incapable of bearing their share of the burdens of the family and the home. The state must be accorded the right to guard and protect women, as a class, against such a condition; and the law in question, to that extent, conserves the public health and welfare.

The physical weakness of women and their consequent inability to enter certain trades place them at a disadvantage in bargaining with employers. This inequality the law seeks to modify.

The Washington decision[1] goes more directly to the point, although in general the line of reasoning is much the same.

It is a matter of universal knowledge with all reasonably intelligent people of the present age that continuous standing on the feet by women for a great many consecutive hours is deleterious to their health.

[1] State *v.* Buchanan, Washington Supreme Court, 70 Pacific Rep. 52.

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It must logically follow that that which would deleteriously affect any great number of women who are the mothers of succeeding generations must necessarily affect the public welfare and the public morals. Law is, or ought to be, a progressive science. . . . The changing conditions of society have made an imperative call upon the state for the exercise of these additional powers, and the welfare of society demands that the state should assume these powers, and it is the duty of the court to sustain them whenever it is found that they are based upon the idea of the promotion and protection of society.

In 1906 the supreme court of Oregon examined and upheld a similar law in State *v.* Muller.[1] This decision was of particular importance, because the case was appealed to the United States Supreme Court and elicited the decision of that court in Muller *v.* Oregon.[2] The law in question provided that "no female [shall] be employed in any mechanical establishment or factory or laundry in this state more than ten hours during any one day," and that "any employer who shall require any female to work in any of the places mentioned [in excess of the permitted ten hours] shall be guilty of a misdemeanor." The court held that the labor contract is "subject to such reasonable limitations as are essential to the peace, health, welfare and good order of the community." The question to be determined, then, was the reasonableness of the law. The view of the court upon this point is found in its statement that the law was enacted

in order to conserve the public health and welfare by protecting the physical well-being of females who work in mechanical establishments, factories and laundries. Such legislation must be taken as expressing the belief of the legislature, and through it of the people, that the labor of females in such establishments in excess of ten hours in any one day is detrimental to health and injuriously affects the public welfare.

The more elaborate opinion handed down by the Supreme Court of the United States in its review of this case, as well as the high degree of authority accorded to the decisions of this tribunal, make Muller *v.* Oregon a case of the greatest im-

[1] 85 Pac. Rep. 855. [2] 208 U. S. 412.

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portance. In developing the argument upon which its decision is based, the court manifests great caution. It asserts the legal equality rather than the legal inequality of women and men, and it admits that the "general right to contract in relation to one's business is part of the liberty of the individual, protected by the fourteenth amendment to the federal Constitution." Yet this liberty is not absolute: a state may restrict in many respects the individual's power to contract. And admitting the legal equality of men and women, it does not necessarily follow that there are not differences of sex sufficient to justify a different rule respecting the restriction of hours of labor. These differences are two, and may be expressed in the language of the court:

> That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and, as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race. . . . Still again, history discloses the fact that woman has always been dependent upon man. . . . It is still true that in the struggle for subsistence she is not an equal competitor with her brother. Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. She will still be where some legislation to protect her seems necessary to secure a real equality of right.[1]

The sentences in the opinion that are especially worthy of notice are: "She has been looked upon in the courts as needing especial care that her rights may be preserved"; "it is still true that in the struggle for subsistence she is not an equal competitor with her brother"; and "she will still be where some legislation to protect her seems necessary to secure a real equality of right."

[1] Muller *v.* Oregon, 208 U. S. 412.

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II

The leading case in which the validity of such restrictive legislation is denied is Ritchie *v.* People.[1] This case was decided by the supreme court of Illinois in 1895. At that time the Massachusetts case, decided nineteen years earlier, was the only important case dealing with the subject. The Illinois law prohibited women employed in manufacturing establishments from working longer than eight hours in a day. It thus undertook to make the legal workday for women in such establishments two hours shorter than the workday established in the Massachusetts law.

The opinion is long, and it goes fully into the various points of controversy. First, the court dwells upon the constitutional rights of citizens, emphasizing especially that "the right to contract is the only way by which a person can rightfully acquire property by his own labor." This principle applied to the provisions of the law leads at once to the conclusion that the act is unconstitutional unless it can be positively shown that there is some special ground for upholding it. No such ground is discovered.

Attention is directed to the fact that the prohibition is not placed upon all women. Those employed in manufactures are brought within the terms of the law, but not women employed in other occupations, as saleswomen, domestic servants, bookkeepers, stenographers, typewriters.

> [These] are at liberty to contract for as many hours of labor in a day as they choose. . . . The manner in which the section thus discriminates against one class of employers and employees and in favor of all others places it in opposition to the constitutional guaranties hereinbefore discussed, and so renders it invalid.

But objection to the particular and discriminating character of the law is not the leading objection. Of fundamental importance is the fact that the enactment is "a purely arbitrary restriction upon the fundamental rights of the citizen to control his or her own time and faculties. It substitutes the judgment

[1] Supreme Court of Illinois, 40 N. E. Rep. 454.

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of the legislature for the judgment of the employer and employee in a matter about which they are competent to agree with each other." This restriction is a burden that is "unreasonable and unnecessary"; and even though it were imposed upon all citizens or classes of citizens, it would transcend the authority of the legislature.

The contention that the act of the legislature may be upheld as an exercise of police power is very positively discountenanced. That power, it is admitted, is very broad and far reaching, but it is not without its limitations. It is not above the constitution; and its exercise, moreover, must have some relation to the comfort, welfare or safety of society. This the law under consideration does not have. "It is not the nature of the things done, but the sex of the persons doing them, which is made the basis of the claim that the act is a measure for the promotion of the public health." The defense of the law based on the physical inferiority of women does not appeal to the mind of the court. "It will not be denied," the court replies, "that woman is entitled to the same rights, under the constitution, to make contracts with reference to her labor, as are secured thereby to men." The fourteenth amendment fully protects persons and citizens.

Woman is both a "citizen" and a "person" within the meaning of this section. . . . As a "citizen," woman has the right to acquire and possess property of every kind. As a "person," she has the right to claim the benefit of the constitutional provision that she shall not be deprived of life, liberty or property without due process of law. Involved in these rights thus guaranteed to her is the right to make and enforce contracts. The law accords to her, as to every other citizen, the right to gain a livelihood by intelligence, honesty and industry in the arts, the sciences, the professions or other vocations. Before the law, her right to a choice of vocations cannot be said to be denied or abridged on account of sex. The tendency of legislation in this state has been to recognize the rights of woman in the particulars here specified.

Legislation is cited in evidence of this attitude.

But, inasmuch as sex is no bar, under the constitution and law, to the

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endowment of woman with the fundamental and inalienable rights of liberty and property, which include the right to make her own contracts, the mere fact of sex will not justify the legislature in putting forth the police power of the state for the purpose of limiting her exercise of those rights, unless the courts are able to see that there is some fair, just and reasonable connection between such limitation and the public health, safety or welfare proposed to be secured by it. . . . The question here is not whether a particular employment is a proper one for the use of female labor, but the question is whether, in an employment which is conceded to be lawful in itself, and suitable for women to engage in, she shall be deprived of the right to determine for herself how many hours she can and may work during each day. There is no reasonable ground—at least none which has been made manifest to us in the arguments of counsel—for fixing upon eight hours in one day as the limit within which woman can work without injury to her physique, and beyond which, if she work, injury will necessarily follow. But the police power of the state can only be permitted to limit or abridge such a fundamental right as the right to make contracts when the exercise of such power is necessary to promote the health, comfort, welfare or safety of society or the public; and it is questionable whether it can be exercised to prevent injury to the individual engaged in a particular calling. . . . We cannot more appropriately close the discussion of this branch of the case than by quoting, and adopting as our own the following words of the New York court of appeals in Re Jacobs: "When a health law is challenged in the courts as unconstitutional on the ground that it arbitrarily interferes with personal liberty and private property, without due process of law, the courts must be able to see that it has at least in fact some relation to the public health, that the public health is the end actually aimed at, and that it is appropriate and adapted to that end. This we have not been able to see in this law, and we must, therefore, pronounce it unconstitutional and void."

On April 21, 1910, in the case of Ritchie *v.* Wayman,[1] this same court decided that the establishment of a ten-hour day for women is within the police power of the state. This opinion has proven to be one of much more than ordinary interest. The court, as we have just seen, had refused in 1895 to sanction as constitutional an eight-hour law for women. Subsequently the United States Supreme Court upheld a ten-hour law. The

[1] 91 N. E. Rep. 695.

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latter fact was the basis of hope for those who wished to see the new law upheld; while the fact that the Illinois court would be obliged practically to reverse itself if it recognized the constitutionality of the new law was the ground of hope for those who sought to overthrow it.

The decision rendered by the court places Illinois among those states which have the ten-hour law for women in manufacturing establishments. In the opinion of the court there are no novel arguments. The only point of interest is the manner in which the court seeks to reconcile its present view with the view taken fifteen years ago. To those who are interested in the preservation of the continuity of judicial opinions this will seem of importance. Those who think it more important that legal progress should be assured will rest satisfied with the decision.

The following are some of the more significant sentences from the opinion:

If, therefore, the public interest requires that the time which women shall be permitted to work in any mechanical establishment or factory or laundry should be limited to ten hours in any one day, we are unable to see why this statute is not constitutional. . . . The property rights of the citizen are always held and enjoyed subject to the reasonable exercise of the police power by the state. . . . It is known to all men (and what we know as men we cannot profess to be ignorant of as judges) that woman's physical structure and the performance of maternal functions place her at a great disadvantage in the battle of life. . . . It would therefore seem obvious that legislation which limits the number of hours which women shall be permitted to work to ten hours in a single day in such employments as are carried on in mechanical establishments, factories and laundries would tend to preserve the health of women and insure the production of vigorous offspring by them, and would directly conduce to the health, morals and general welfare of the public, and that such legislation would fall clearly within the police power of the state.

In referring to the court's former decision, the opinion contrasts the law of 1893 with that of 1909 in two particulars. In the first place:

there is nothing in the title of the act of 1893, or in the act itself,

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which indicates or suggests that the act was passed for the purpose of promoting the health of women, except, as might be inferred from the provisions of section 5, that it might be conducive to the health of women to prohibit them from working more than eight hours in any one day, while the act of 1909 expressly provides in its title that the limitation upon the number of hours which women shall be required or permitted to work in mechanical establishments or factories or laundries is passed with the view "to safeguard the health of such employees."

In the second place:

The act of 1893 provides for an eight-hour day, while the act of 1909 provides for a ten-hour day in which women shall be permitted to work in mechanical establishments or factories or laundries. Can it be said that, if the limitation upon the number of hours which women were permitted to work in the designated callings in the act of 1893 had been fixed at ten hours instead of eight hours, the court would have held the act unconstitutional as an unreasonable exercise of the police power of the state or that the act would have been held obnoxious to the Constitution as special or class legislation? We do not think it can so be said, as there is throughout the opinion a veiled suggestion which indicates that it was the opinion of the court that the limitation of the right to work longer than eight hours was an unreasonable limitation upon the right to contract, while the right to contract for a longer day, at least under some circumstances, might be a valid limitation upon the right of contract.

The second decision of importance, restricting on constitutional grounds legislation regarding hours of women's work, came from the court of appeals of New York, in the case of People *v.* Williams.[1] This decision was handed down in 1907, the year intervening between the Oregon state court decision and that of the United States Supreme Court on the appealed case. While in a sense the principle was the same, yet the provisions of the law under consideration were not the same. The court had before it, so far as the principles are concerned, the two lines of argument fully developed, both with equal authority. Although the greater number of state court decisions was already on the side upon which the Oregon court had placed itself, the authority of the United States Supreme

[1] 81 N. E. Rep. 778.

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Court had not yet been added. The statutes considered in the cases already referred to had limited the length of the day to ten or eight hours. The New York statute prohibited night work for women, restricting their legal hours of labor in factories to the hours between six o'clock in the morning and nine o'clock in the evening. Between the two principles advanced in the other cases the New York court chose that of the Illinois decision as its own. Yet the reasoning is elaborated in a somewhat different temper.

In enacting the law in question the legislature, the court says,

> has overstepped the limits set by the Constitution of the state to the exercise of the power to interfere with the rights of citizens. . . . The provisions of the state and of the federal Constitutions protect every citizen in the right to pursue any lawful employment in a lawful manner. . . . Under our laws men and women now stand alike in their constitutional rights, and there is no warrant for making any discrimination between them with respect to the liberty of person or of contract.

Replying to the claim that the law was authorized as an exercise of the police power, the court replies:

> It is to be observed that it is not a regulation of the number of hours of labor for working-women. The enactment goes far beyond this. It attempts to take away the right of a woman to labor before six o'clock in the morning, or after nine o'clock in the evening, without any reference to other considerations. . . . She is prevented, however willing, from engaging herself in a lawful employment during the specified periods of the twenty-four hours. Except as to women under twenty-one years of age, this was the first attempt on the part of the state to restrict their liberty of person, or their freedom of contract, in the pursuit of a vocation. I find nothing in the language of the section which suggests the purpose of promoting health, except as it might be inferred that for a woman to work during the forbidden hours of night would be unhealthful. . . . If this enactment is to be sustained, then an adult woman, although a citizen, and entitled as such to all the rights of citizenship under our laws, may not be employed, nor contract to work, in any factory for any period of time, no matter how short, if it is within the prohibited hours; and this, too, without any regard to the healthfulness of the employment. It is clear, as it seems to me, that this legislation cannot, and should not, be upheld as a proper exercise of the police power.

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At this point the court felt called upon to utter a word of warning, which it did in the following terms:

The courts have gone very far in upholding legislative enactments, framed clearly for the welfare, comfort and health of the community, and that a wide range in the exercise of the police power of the state should be conceded, I do not deny; but when it is sought, under the guise of a labor law, arbitrarily, as here, to prevent an adult female citizen from working at any time of the day that suits her, I think it is time to call a halt. It arbitrarily deprives citizens of their right to contract with each other. The tendency of legislatures, in the form of regulatory measures, to interfere with the lawful pursuits of citizens, is becoming a marked one in this country, and it behooves the courts, firmly and fearlessly, to interpose the barriers of their judgments, when invoked to protect against legislative acts plainly transcending the powers conferred by the Constitution upon the legislative body.

III

The decisions in these several cases have been quoted somewhat at length for the purpose of setting forth the views adopted by the courts as nearly as possible in their own words. Reduced to their lowest terms, these views may be expressed and set off against each other in the following words:

(1) Women are to be regarded as citizens in precisely the same sense as men. All rights of citizenship expressed or implied in the constitution and laws are to be maintained regardless of sex. Freedom of contract is implied in the guaranty of life, liberty and property, and the labor contract is to be treated like other contracts. The police power cannot be construed as covering such cases.

(2) Women are citizens, but not in precisely the same sense as men. Difference of sex is a sufficient justification for making a distinction in the maintenance of the constitutional rights of citizens. This is based on scientific authority. Freedom of contract, though derived from the guaranty of life, liberty and property, has not the same sanctity. Under the police power freedom of contract may be restricted. That power may be so construed as to include not only the welfare of the community now living, but also the welfare of the community yet unborn and its right to a good birth.

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Thus stated, the two views reflect the fact of industrial change. While these two views have been formulated simultaneously, they none the less represent two stages in our industrial history. The first view is the product of principles developed at an early period. It is an expression of the individualist spirit embodied in the phrases of our fundamental law. The timely application of this view was in the period when our industries were individualized; the period when labor conditions and wage scales were the result of individual bargaining of men with men; the period when women and children had not entered into the situation as a disturbing factor; in short, the period of a less complex industrial organization.

The latter view is distinctly an effort to recognize the changes of the past half-century and to reckon with the new conditions. The increasing tax upon the nervous resources of the working people, the increasing ability of the employer to fix the conditions of labor and the wage scale for his employees, the inefficiency of women as bargainers for wages, above all, the recognition of what has long been known but has not always been recognized as of the same significance as now—the important consequences of modern methods of work upon women because of their sex—all these belong to the conditions of today.

The former view carries the principles applicable to a former industrial period over into a period when such principles can no longer be applied without harmful results. The latter seeks to modify the older principles and adapt them to the conditions of today. It adds to the statement that "law is a conservative science" another, of at least equal importance, that "law is a progressive science."

Differences of this character are reconcilable only by abandoning the effort to secure progress in the law and by returning to the unmodified principles of the past, or by recognizing present conditions and reinterpreting precedents to fit these conditions. If the difference turns wholly upon the extent of the police power, then the reconciliation is not difficult. It will be effected when it is made to appear that the significance of the term public welfare must constantly expand as the complexity of modern industry and civilization continues to in-

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crease. Public welfare is certainly an elastic term. Properly construed it includes the whole social purpose. When courts shall come to see that today's conditions can be regulated more wisely in accordance with today's needs than in accordance with yesterday's precedents, the contradiction of present views will merge into agreement. Since the Illinois court has modified its position, agreement upon the practical issues discussed in this paper is appreciably nearer. In no state is the law, as interpreted by its courts, now in such a position as to prevent legislation clearly necessary for the health of women and of their offspring.

Out of the presentation and discussion of facts established by scientific investigation must ultimately come the newer view of justice, which is not individual but social justice. This is a positive, not a negative, thing. The extension of the police power is not to be viewed as an undesirable but necessary method of breaking down the constitutional guaranties of private rights. What is necessary certainly cannot be undesirable; and whenever the constitutional guaranties of private rights, as previously interpreted, stand in the way of what is socially necessary, there is abundant reason for challenging the older interpretation. When it can be clearly shown that the rights of life, liberty and property, not to say the pursuit of happiness, are positively secured by legislation that limits the hours of labor for women, it must follow that such legislation is necessary to make real the constitutional guaranties.

Even the Spencerian formula that "every man may claim the fullest liberty to exercise his faculties, compatible with the possession of like liberty by every other," may be reconciled to this newer view. And the definitions of justice given by Professor Ward and Edmond Kelly come into their own:

> The enforcement by society of an artificial equality in social conditions which are naturally unequal.
>
> The effort to eliminate from our social conditions the effects of the inequalities of nature upon the happiness and advancement of man, and particularly to create an artificial environment which shall serve the individual as well as the race and tend to perpetuate noble types rather than those which are base.

GEORGE GORHAM GROAT.

OHIO WESLEYAN UNIVERSITY.

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RECIPROCAL LEGISLATION

THE general backwardness of the United States, and even of most of the individual states of the Union, in social legislation, as compared with the leading federal states of the world and notably with the nations of western Europe, is a matter of frequent comment. The real reasons are difficult to explain to our European critics, nor are they always fully understood by American sociologists. They are not found in lower standards of industrial organization nor in the lack of similar social problems nor in the absence of humanitarian ideals. Abroad it is sometimes said that our abundant material resources, our haste to get rich and our enormous social surplus have rendered us indifferent to the waste of human life, and have left our governments in the hands of those impotent to devise the larger social policies of modern European statesmanship and to direct the economic development of our legal institutions. These are, however, surface indications. The roots of our difficulty in dealing effectively and constructively with our social problems in their rapidly growing complexity strike much deeper into the history and structure of our American democracies. The circumstances under which many of our settlers came to these shores and the conditions under which they did the pioneer work of subjugating this great continent tended to make them and their offspring for generations self-reliant individualists, distrustful alike of all governmental regulation and of all coöperative social undertakings.[1]

Each of the thirteen original states guarded most jealously its separate powers; and the national Constitution was from the start a compromise, in which a minimum of initiative and control in matters affecting the person and the daily social and industrial life of the citizen was given to the federal government. It was inevitable that this policy should react unfavorably on the states just as soon as the simpler agricultural pursuits of the

[1] See Seager, Social Insurance (New York, 1910), chap. i, "The Common Welfare."

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early days gave place to manufacturing and commercial pursuits which transcended state boundaries. While the business of the country tended to become national or even international in scope and the industrial and commercial agencies grew in power, our legislative organs failed to develop any corresponding efficiency and the law became relatively weaker. This is just the reverse of a normal and desirable public polity; and even a partial adjustment to the new situation has been effected only through legal fictions that have strained, at times, our constitutions, undermined our respect for law and made business enterprise in this country indifferent or antagonistic to law and to public rights to an extent that long ago caused Europeans to marvel. The attempt to find ways and means to establish effective governmental control and to protect public rights in private business, national in scope, has been the chief task of American politics, both state and national, during the past decade. Whether this attempt will result in fundamental changes in the character of the federal government, in the direction of greater centralization of police powers; or whether by coöperative action, through uniform legislation in competing states, the individual states will be able so to solve the pending problems as to retain supreme control over all the matters originally reserved for state action—these are still unsettled questions of great moment.

There is a noticeable tendency, not only among reformers but also among the largest business enterprises in the country, to seek federal legislation in order to avoid the inconveniences of adjusting business affairs to the mandates of many state legislatures. The social reformer finds it a difficult task to get his measures before forty-six state and several more territorial legislative bodies; and he usually thinks that his ends will not be accomplished, or, at least, that some of his purposes will fail to obtain practical realization, unless he has the assent of all these legislative bodies. He realizes that a low standard in one state usually makes it more difficult to secure a higher standard in another. A corporation or business enterprise, in like manner, if it must subject itself at all to restrictive legislation, will often express a preference for a federal law; because such a law

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will bear equally on all competitors, will presumably be enforced impartially, and will probably be more simple, more direct and better adapted to accomplish the end in view than the enactments of the separate state legislatures. Moreover, any proposed federal legislation receives greater publicity than any bill introduced into a state legislature, and there is better opportunity for the presentation of objections. If the great corporations which conduct extensive interstate business must watch proposed legislation and be prepared to defend their interests, it is natural that they should prefer to concentrate their efforts and to deal exclusively with the Congress at Washington rather than with a large number of legislative bodies. Many instances could be cited where in recent years the representatives of large business and commercial interests have expressed publicly a desire for national legislation on subjects which, under the present interpretation of our federal Constitution, fall primarily if not exclusively within the domain of state action.

An interesting movement in the opposite direction is found in the effort to secure uniform state legislation upon matters of national interest—a movement which started with the suggestions made by the American Bar Association over twenty years ago and which has resulted in the appointment of commissioners from nearly all of the states, meeting together annually for the purpose of discussing drafts of bills to be presented in their respective state legislatures. Some progress has been made, and a great deal of painstaking work has been done by able lawyers. The results that have been secured in the enactment of laws dealing with negotiable instruments, uniform bills of lading *etc.* and the promise of still greater results along similar lines are encouraging. With the single exception of the subject of marriage and divorce, the state commissioners on uniform laws have, for obvious reasons, dealt with subjects upon which there is little controversy. Social legislation, concerning which there is always a very great difference of opinion, has not appeared to them a promising field of effort. The recent action of the commissioners, however, at their annual conference in Detroit in August, 1909, when they appointed a committee on child labor to report a uniform statute on that subject, indi-

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cates their willingness to try their present method in the field of social legislation; but the failure of twenty years' discussion and effort to bring about any appreciable progress towards uniform legislation regarding marriage and divorce seems to indicate that the machinery and methods at the disposal of the commissioners on uniform laws will at best yield very slow and meager results in industrial legislation. Either we must face a definite and irresistible tendency towards the increase of the powers of the federal government and towards the larger use of all of the powers it now possesses over subjects of legislation which it has heretofore ignored or dealt with very cautiously, or we must find some additional method of securing greater uniformity in state legislation.

It has been assumed in discussions on uniform legislation that the assent of all forty-six states must needs be had before practical uniformity can be secured. This assumption may well be questioned in the light of recent studies and investigations of the economic conditions underlying American industrial development. With the growth of trusts and corporations, it is true that an increasing percentage of the business of the country is directly carried on by persons engaged in interstate commerce and subject to all the conditions of interstate competition; but it is likewise true that there are few industries whose location is not pretty conclusively determined by either transportation facilities, access to raw materials, climatic advantages or a specially trained and skilled labor force; and it is equally true, as regards the most important industries, that these favoring conditions are to be found within very definite geographical areas not coextensive with the political boundaries of the entire United States.

The economist who seeks to understand the practical workings of American business finds it necessary to study the industries separately, or in groups of establishments conducting the same industry. These can be plotted in definite industrial areas, which do not coincide with the political areas defined by state boundaries. It is thus possible to carve out a number of industrial states, each made up of parts of several political states of the Union, in which a given industry is found to play

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an important part. If, for example, we study the glass industry, we find that it plays an important part in the business of the people in only five states and a minor rôle in perhaps three other states, so that our glass state extends over only a relatively small part of the area of the United States. In like manner, the business of cotton manufacturing might well be plotted in two industrial areas, one made up of the contiguous territory of four or five southern states, and the other of three or four New England states together with one or two middle states, both areas having interesting relations in the matter of interstate competition. In either of these instances, uniform legislation affecting the interests of the industry in question could be worked out scientifically after a careful investigation of conditions within a comparatively small number of states, and it would not be necessary to consider the different economic conditions and the widely varying opinions to be found in the other states of the Union. It is accordingly a fair question whether a method of securing legislation that would enable all parties interested to concentrate their attention upon conditions within such restricted areas would not be productive of greater and more equitable results than discussion of the same questions by the representatives of the whole people, even if the federal government had, or were given, power to deal with the questions at issue.

The method here suggested might well be tested in dealing with the question of child labor. At the fourth annual meeting of the National Child Labor Committee, held in Atlanta, Georgia, in January, 1908, the present writer proposed that that organization should try the experiment of seeking from states within definite industrial areas, comprising the chief industries which employed child labor, concurrent or reciprocal legislation, contingent in its operation upon similar action by all of the states in particular industrial groups. This was proposed to the committee as a tentative working program. It was pointed out, on the one hand, that if such reciprocal legislation could be secured it would control or restrict child labor more effectively than wholly independent and possibly varying legislation in the separate states; and, on the other hand, that such concurrent

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state legislation would not be open to the objections so strongly urged against the proposed national legislation, which sought to prohibit the transportation in interstate commerce of goods made by child labor, just as the importation of goods made by convict labor is prohibited in the existing tariff laws.[1]

There are now in existence many national organizations of similar character and scope to the National Child Labor Committee. The public policies which these organizations represent can be fully realized only through legislation which is opposed by private competitive business. The American Association for the Promotion of Labor Legislation, the National Housing Association, the National Consumers League, which seeks the better protection of working women and children, the National Association for the Prevention of Tuberculosis and the National Public Health League are a few illustrations of strong, popular, useful and increasingly numerous social organizations which are making their power felt in legislative halls. In all of these associations the program above outlined—the securing of legislation in each of a group of states which shall become operative when accepted by all the states in the group—may be worthy of consideration as possibly the most promising line of effort.

In order to appreciate how far such reciprocal legislation might prove an effective means of securing more rapid progress in social legislation, it is necessary to examine the nature of the opposition which business interests make to legal regulation of business for the protection of social interests.

The American business man reflects his environment of individualism in an exaggerated degree: he desires, before and above all else, to be let alone. He has come to realize, however, and to accept the fact as graciously as he can, that the day of absolute *laisser faire* is past. He submits willingly to a great deal of governmental inquiry and regulation, so long as he feels assured that it bears equally, uniformly and impartially on all his competitors. On the other hand, the moment he thinks that a projected measure is what he calls "strike leg-

[1] See proceedings of National Child Labor Committee, 1908 and 1910.

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islation," or that it represents a forward movement in standards in one state not likely to be followed immediately in others and therefore quite likely to disturb or redistribute the points of industrial advantage—the moment, especially, when he realizes that he may be placed at a disadvantage in competition with those doing business in other states—he at once, and not without some color of justice, makes vigorous protest. Indeed, so confident are American business corporations of their power to control prices and to pass on to the consumers any increased costs, that they pay little attention to added burdens which new legislation, passed in response to higher standards of protection demanded by employees or consumers, may impose upon them, so long as these burdens rest equally upon all engaged in the same line of business. At a hearing before a committee of the New York legislature, on a bill fixing the maximum number of hours per week during which women might work in factories, the counsel for the textile manufacturers opposed the bill on the ground that the differential in wages and working time which would result, as compared with Pennsylvania and with southern states where a longer working week was allowed, would be ruinous to their business. He then said that he and those whom he represented would be glad to go to Washington and favor, as a national law, the same measure which they were opposing as a state law. In like manner the glass manufacturers of New Jersey were able to defeat, until recently, a bill to prohibit night work by boys under sixteen in that state, by explaining that the difference in wages necessary to employ boys over sixteen on their night shifts would drive many of the glass plants to locate in Pennsylvania, where the law makes a special exemption, applicable to the glass-manufacturing business, permitting boys over fourteen to work at night. At the time the Pennsylvania exemption was enacted, precisely the same argument was used by the chairman of the Senate committee in charge of the bill—who by the way, was at the same time the attorney for the leading glass manufacturers of the state.

If the principle of reciprocal legislation had been applied in either of these cases, the controverted clause in the bill or, if necessary, the entire bill would have been so drawn as to give

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a complete expression of the legislative will in the premises, stating definitely what the legislature deemed expedient and what standard it wished to see adopted, provided a similar standard that would equalize the competitive effects of the act on industry should be adopted in another state or in a number of other states specifically designated. The clause or bill so drawn would have left the hands of the legislature complete and perfect in form as a law; but it would have contained an express provision that a specified clause or section of the law, or the entire law, should become operative only upon proclamation by the governor that the contingency upon which its operation was made to depend, namely, the enactment of a similar statute in the other states named, had been met. Under legislation of this character, based upon previous investigation and accurate scientific plotting of the industrial area affected, there would be no anxious interval of adjustment between business interests in different states; and the new law, when it became operative, would apply equally to an entire industry or group of industries.

Besides giving promise of greater success in meeting the opposition of business interests, in so far as such opposition is based upon an honest apprehension that the lower standards existing in other states will embarrass competition, this method of dealing with the problems of industrial legislation would serve other useful purposes. Societies such as those above enumerated, as well as all labor organizations and other associations interested in the promotion of the welfare of special classes, would be compelled to make preliminary investigation of the areas to be affected and the economic results to be produced by their proposals. How much more surely, then, would the discussion of humanitarian legislation turn upon issues of broader policy and of larger statesmanship, if the consideration of the almighty dollar could be thus minimized or eliminated! And when a policy requiring the elimination, as far as possible, of competitive considerations in proposals for social legislation has become established, how much less temptation there will be to use legislation to further private business interests.

It is of course evident that, in order to bring about complete

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reciprocity between states within a given industrial area, and to give effect to a tacit agreement to eliminate some factor, such as, let us say, the employment of children under sixteen years of age or of women for more than ten hours a day, it would be necessary to make the operation or enforcement of a statute to that effect in one state dependent upon the adoption of a similar measure in one or more other states. This raises some interesting legal questions with respect to constitutional limitations upon conditional or contingent legislation. It is desirable, therefore, to examine briefly the attitude of the courts towards conditional laws.

A sufficient number of both federal and state laws have been subjected to judicial review to show, in general, how an act or a part of an act which a legislature wishes to make contingent in its operation upon a future fact, certain or uncertain, must be drawn in order to conform to constitutional requirements. An exact formula which would meet the requirements in all of the states cannot be given. It would always be necessary to draw such an act or clause with great care, having in view the constitution and the decisions of the courts in the particular state in which the law is to be enacted. The general principle to be observed, however, is clear, namely, that the legislature cannot delegate legislative power except in cases specified in the constitution,[1] but has power to pass an act to take effect upon the happening of some future event, certain or uncertain, which, in its judgment, affects the expediency of the law.

In federal legislation this principle has been frequently applied and sustained by the Supreme Court, from the Brig Aurora case,[2] decided in 1813, to Field *v.* Clark,[3] decided in 1892. The Brig Aurora Case arose under the embargo and non-intercourse acts of 1809 and 1810. Section 11 of the act of March 1, 1809, provided

that the President of the United States be, and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her

[1] The Constitution of New York provides for a vote of the electors when a debt is to be incurred and forbids the legislature to do more than propose such a law.

[2] 7 Cranch, 382. [3] 143 U. S. 649.

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edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade suspended by this act and by the act laying an embargo . . . may be renewed with the nation so doing.

Section 4 of the act of May 1, 1810, provided

that in case either Great Britain or France shall, before the third day of March next, so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not within three months thereafter so revoke or modify her edicts in like manner, then . . . [certain sections specified] shall . . . be revived.

The president issued several proclamations under the two acts; and one of the questions raised in this case was whether this was not an executive exercise of legislative power. The court ruled: "We can see no sufficient reason why the legislature should not exercise its discretion in reviving the act of March 1, 1809, either expressly or conditionally, as their judgment should direct."

In Field *v.* Clark, Justice Harlan sustained the decision in the Brig Aurora case and cited a long list of Congressional acts whose enforcement in part or in whole or whose operation has depended upon proclamations of the president or executive acts of the secretary of the Treasury. The tariff act of March 6, 1866, and also that of 1890, in almost identical language, gave to the secretary of the Treasury power to suspend the prohibition of the importation of neat cattle and of the hides of neat cattle when in his judgment such importation did not tend to spread contagious or infectious diseases; and the act of March 6, 1866, also provided that

the President of the United States, whenever in his judgment the importation of neat cattle and the hides of neat cattle may be made without danger of the introduction or spread of contagious or infectious disease among the cattle of the United States, may, by proclamation, declare the provisions of this act to be inoperative, and the same shall be afterwards inoperative and of no effect from and after thirty days from the date of said proclamation.

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The reciprocity provisions of all the tariff acts and the maximum and minimum rate schedules of the existing tariff law of 1909 are made effective by proclamation of the president, who thereby certifies to the existence of contingencies provided for in the declaration of the legislative will by Congress; and the bestowal of such power has been held not to be a delegation of legislative power. It was precisely this question that was raised in Field *v.* Clark, and it was discussed at length in Justice Harlan's opinion. The case was an action brought by Marshall Field and Company against John M. Clark, the collector of the port of Chicago, for refund of duties collected on merchandise imported under the tariff act of October 1, 1890. The constitutionality of the law was questioned because section 3, giving the president power under certain circumstances to fix the rates to be collected, was claimed to be a delegation of the legislative power to levy taxes. Justice Harlan quoted with approval the language of Judge Rauny of the supreme court of Ohio, defining the distinction between the delegation of legislative power, which is unconstitutional, and the delegation of the power to certify the existence of a future contingency upon which the expediency of the law in the judgment of the legislature depends, which is a proper executive duty.

> The true distinction is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority and discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made.[1]

The court held that the clause in question was not a delegation of legislative power, although the chief justice and Justice Lamar filed a dissenting opinion, distinguishing the case from that of the Brig Aurora and holding that section 3 of the tariff act of 1890 did give legislative discretion to the president and therefore was unconstitutional.

In the state courts there are at least three groups of cases in which the validity of contingent legislation has been examined. The oldest group deals with statutes establishing free public

[1] Cincinnati, Wilmington *etc.* Railroad *v.* Commissioners, 1 Ohio State, 88.

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schools and authorizing the levying of local taxes by local officials to provide for the support of such schools. Most of the decisions regarding these statutes date prior to 1860. A second group has to do with the local-option laws regulating the liquor traffic; these, for the most part, were judicially reviewed in the seventies and eighties. The third group considers insurance-tax laws; the cases in this group are mostly of a later date. The first and second groups deal entirely with referenda. The acts under examination indicated that the legislature was not quite sure what the wish of the people might be and that it desired to consult the electorate. Where such laws affect only local districts, municipalities and subdivisions of the state, and are made contingent in their operation upon their acceptance by vote of the people of such districts, they have been generally upheld; but where they affect the people of the entire state and are referred to the whole electoral body of the state for approval or rejection, they have been uniformly pronounced unconstitutional, on the ground that they contain a delegation of legislative power.[1] The question at issue in all three groups of cases, the import of which is ably discussed by Dr. Oberholtzer, is really that of the constitutionality of the referendum rather than that of the constitutionality of conditional legislation, with which we are at present concerned. In these cases, however, we find the fullest judicial review of the validity of contingent legislation, although such review is incidental to the consideration of the larger and more complicated question of the referendum. A brief survey of the reasoning of the courts in the referendum cases[2] will serve to show, inferentially at least, the probable attitude of the courts toward a contingent statute.

[1] Ellis P. Oberholtzer, The Referendum in America, New York, 1900. *Cf.* especially chapters viii and xiii.

[2] There are of course many instances of legislation providing for a reference which do not fall within any of the three groups above enumerated, *viz.* school laws, local-option (liquor) laws and insurance-tax laws. Statutes have been passed locating a state capitol (*cf.* Laws of California, 1850, p. 412) or requiring minority representation in corporations (*cf.* Laws of New Hampshire, 1879, p. 365) and making the operation of the law dependent upon an affirmative vote of the people. Other interesting experiments of a similar character have been made by submitting to the people,

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In the first group, namely the school-law cases, the question before the various legislatures was whether taxes should be levied for the support of free public schools; and the legislatures, wishing to avoid the responsibility of deciding whether the people were willing to tax themselves for this purpose, undertook in various ways to make the effect of their enactments depend upon the vote of the people. Out of one of these laws, namely the Free School Act of March 26, 1849, in New York, arose the case of Barto *v.* Himrod.[1] The provisions attacked as unconstitutional were:

Section 10. The electors shall determine by ballot at the annual election, to be held in November next, whether this act shall or shall not become a law.

Section 14. In case a majority of the votes in the state shall be against the new school law, this act shall be null and void, and in case

not a law, but a question *de lege ferenda:* the vote of the people has been taken by way of advice, to guide the legislature in its deliberations upon some disputed question. Among questions thus submitted have been those of contract labor in state prisons (New York, 1883); Chinese immigration (Nevada. 1880); popular election of United States senators (California, 1892). *Cf.* Oberholtzer, *op. cit.*, pp. 205–207. *Cf.* also Supplement to the Public Statutes of Massachusetts, 1889–1895 (Boston, 1897), p. 1389; and the Opinion of the Massachusetts Justices, 160 Mass. Supplement, pp. 586 *et seq.* Some of our courts have held that under certain circumstances the operation of a law may be made contingent upon a state-wide vote of the people; but the tendency is rather against so broad a view. Most of our courts are of the opinion that such a reference amounts to a delegation of legislative power, which is not valid.

Judge Cooley, in his Constitutional Limitations (7th ed. 1903), pages 174 *et seq.*, sums up the matter as follows: "One of the settled maxims in constitutional law is, that the power conferred upon the legislature to make laws cannot be delegated by that department to any other body or authority. Where the sovereign power of the state has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the constitution itself is changed. . . . But it is not always essential that a legislative act should be a completed statute, which must in any event take effect as law, at the time it leaves the hands of the legislative department. A statute may be conditional, and its taking effect may be made to depend upon some subsequent event. Affirmative legislation may in some cases be adopted, of which the parties interested are at liberty to avail themselves or not at their option. . . In these cases the legislative act is regarded as complete when it has passed through the constitutional formalities necessary to perfected legislation, notwithstanding its actually going into operation as law may depend upon its subsequent acceptance."

[1] 8 N. Y. 483.

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a majority of all the votes in the state shall be cast for the new school law, then this act shall become a law and shall take effect. . . .

Chief Justice Ruggles, in delivering the decision of the court of appeals, said:

Without contradicting the express terms of the 10th and 14th sections, it cannot be said that the propositions contained in it, in relation to free schools, were enacted as law by the legislature. They were not law or to become law until they had received a majority of the votes of the people at the general election in their favor, nor unless they received such majority. It results, therefore, unavoidably, from the terms of the act itself, that it was the popular vote that made the law. The legislature prepared the plan or project and submitted it to the people to be passed or rejected.

On this ground the act was held to be unconstitutional. This case was decided in June, 1853. Three general term decisions regarding the same statute were reviewed. In one of these, Johnson *v.* Rich[1], decided in 1851, the New York supreme court held, in the seventh judicial district, that the statute was constitutional, on the ground that "the full unqualified power to legislate for the state . . . necessarily comprehends the power to prescribe not only the time when an act shall become operative as a law, but also the event or condition upon which it shall become so," and that "the constitution nowhere forbids . . . the submission of acts . . . to the people, for their approval, and making such approval the condition upon which the act shall become operative as a law." In the two other supreme court cases, decided in the second and fifth districts, Thorne *v.* Cramer[2] and Bradley *v.* Baxter,[3] the statute was held unconstitutional as a mere project of law; and this latter view was sustained by the court of appeals in Barto v. Himrod, which has long been considered an authoritative decision. In a New Hampshire decision rendered in 1881, State *v.* Hayes,[4] Chief Justice Doe examined the case of Barto

[1] 9 Barbour, 680. [2] 15 Barbour, 112. [3] 15 Barbour, 122.

[4] 61 N. H. 264. The statute under examination in this case provided for minority representation in corporations.

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v. Himrod, and said that the New York court considered that the statute under consideration did not decide the question of expediency, which the legislature alone was competent to determine. Had the legislature definitively settled the question whether there should be a free-school law under certain conditions to be determined by the vote of the people, it is quite probable the court would have sustained it. He cited from the New York decision the following sentences:

A valid statute may be passed to take effect upon the happening of some future event certain or uncertain. . . . The event or change of circumstances on which a law may be made to take effect must be such as in the judgment of the legislature affects the question of the expediency of the law—an event on which the expediency of the law, in the judgment of the law-makers, depends. On this question of expediency, the legislature must exercise its own judgment definitively and finally. When a law is made to take effect upon the happening of such an event, the legislature in effect declares the law inexpedient if the event should not happen, but expedient if it should happen. They appeal to no other man or men to judge for them in relation to its present or future expediency. They exercise that power themselves, and then perform the duty which the constitution imposes upon them.

Another school-law case, Bull *v.* Read,[1] was decided by the Virginia court of appeals in 1855. In this case the condition upon which the law was to take effect was not a state-wide vote of approval, but the acceptance of an act by the people of a particular district. The court, however, rested its decision sustaining the act chiefly upon the power of a legislature to pass conditional laws. The court said:

It will be conceded that the legislature may provide that an act shall not take effect until some future date named, until the happening of some future event or in some contingency thereafter to arise or upon the performance of some specified condition. The exigencies of the government may frequently require laws of this character, and to deny to the legislature the right so to frame them would be unduly to qualify and impair the powers plainly and necessarily conferred. Accord-

[1] 13 Grattan, 78.

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ingly, we find this a familiar feature in the legislation both of the national and state governments.

The court cited, at this point, the Brig Aurora case, and continued:

Nothing is more common than for an act of assembly to be made to commence upon a future date. The code of 1849 is an instance of the kind. All acts of incorporation are, in effect, acts to take effect upon a future event, the acceptance of the incorporators; for without their consent the corporate body cannot be created. The various acts making subscriptions on the part of the state to works of internal improvement, when a certain amount shall be raised by private subscriptions, are of this character. . . . Now if the legislature may make the operation of its act depend upon some contingency thereafter to happen, or may prescribe conditions, it must be for them to judge under what contingency or upon what condition the act shall take effect. They must have the power to prescribe any they think proper; and if the condition be that a vote of approval shall first be given by the people affected by the proposed measure, it is difficult to see why it may not be as good and valid as any other condition whatever.

In the second class of cases, dealing with local-option liquor laws, at least two decisions of state courts of last resort are significant. In 1854, in the case of State *v.* Parker,[1] the supreme court of Vermont sustained a law permitting the localities to prohibit the sale of liquor.[2] Chief Justice Redfield based his opinion sustaining the law on grounds similar to those taken in the following year by the Virginia court. He said:

Congress passes laws almost every session whose operation is made contingent upon the revenue laws of foreign states, or their navigation laws or regulations, and upon a hundred other uncertainties more or less affected by the will or agency of voluntary beings or communities; and in most cases the suspension or operation of the enactments depends ultimately upon the mere will and agency of our executive government; and of the perfect regularity and constitutionality of such enactments no question was ever made. Numerous other instances may be found

[1] 26 Vermont, 357.

[2] This law, passed in 1852, was similar to one passed in Michigan, on which the supreme court of that state was equally divided; *cf.* People *v.* Collins, 3 Mich. 343.

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where statutes have been made dependent upon future contingencies, not only for the time of their coming into force but for their very vitality. . . . If the operation of a law may be fairly made to depend upon a future contingency, then in my apprehension it makes no essential difference what is the nature of the contingency, so it be an equal and fair one, a moral and legal one, not opposed to sound policy, and so far connected with the object and purpose of the statute as not to be a mere idle and arbitrary one.

The other local-option case which merits notice is the Pennsylvania case of Locke's Appeal,[1] decided in 1872. In an older Pennsylvania case, that of Parker *v.* Commonwealth,[2] decided in 1847, an act of 1846, giving the citizens of certain counties power to decide by vote whether the sale of vinous and spirituous liquors should be continued within such counties, and imposing a penalty for the sale of such liquors where a majority of the votes had been against such sale, was declared to be unconstitutional and void. This case was overruled by the decision rendered in Locke's Appeal, which is in accordance with the views now held by most of our state courts. The statute under examination in this case was the act of May 3, 1871, which provided for local option in the twenty-second ward of Philadelphia. In referring to the argument in the case of Parker *v.* Commonwealth, Justice Agnew, delivering the opinion of the court, said:

The assumption that the act is not a law till enacted by the people is the foundation of the argument, and with its fall the superstructure vanishes. The character of this law is precisely that of hundreds of others which the legislative will makes dependent on some future act or fact for its operation. To assert that a law is less than a law because it is made to depend on a future event or act is to rob the legislature of the power to act wisely for the public welfare, whenever a law is passed relating to a state of affairs not yet developed or to things future and impossible to be fully known. . . . The legislature cannot delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop

[1] 72 Penn. State, 491. [2] 6 Barr, 507.

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the wheels of government. There are many things upon which wise and useful legislation must depend which cannot be known to the law-making power and must, therefore, be subject to inquiry and determination outside of the halls of legislation.

This decision was rendered by a vote of three to two, Chief Justice Read and Justice Sharswood dissenting; but the case has been cited and approved in subsequent Pennsylvania decisions.

The third group of cases comes nearer than either of the other two to deciding the precise application of the principle of conditional legislation with which we are at present concerned. Several legislatures have tried to impose upon foreign insurance corporations doing business in their respective states precisely the same burdens of taxation which the states in which the foreign corporations are chartered or domiciled impose upon insurance corporations chartered by the state enacting the tax legislation in question. The most interesting case in this group is that of The People *v.* The Fire Association of Philadelphia,[1]

[1] 92 N. Y. 311. The following quotation from the decision of the court, delivered by Judge Finch, contains an examination of the earlier cases. In particular, the opinion distinguishes this case from Barto *v.* Himrod. "This legislation is assailed, first, upon the ground that it is an unlawful delegation of the legislative power, and the General Term have so held upon the authority of Barto *v.* Himrod. We do not think that case at all decisive of this. What was there denominated the school law came from the hands of the legislature not as a law but as a proposition. Whether it should be a law or not was precisely the question submitted to the popular vote. The legislature proposed the law, but left it to the people to enact. The process carried out and applied to all bills would have resulted in a complete abdication by the senate and assembly of their authority and functions. Instead of making laws they simply would have suggested them, reported them for consideration, but left the judgment upon them, the determination of their expediency and wisdom, to an authority outside their own. As to the school law, the people were made the legislature, and left to decide whether the bill proposed should or should not become a law. This court held that the legislature, under the Constitution, could not so delegate its power, but was bound to determine for itself the expediency of the measure, and either enact or reject it. But nothing in that decision denied to the legislature the right to pass a law whose operation might depend upon, or be affected by, a future contingency. The opinion expressly conceded the existence of such power. It was not denied that a valid statute may be passed to take effect upon the happening of some future event, certain or uncertain. And this was said as to the character of such event, *viz.*: 'The event or change of circumstances on which a law may be made to take effect must be such as, in the judgment of the legislature, affects the

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decided in 1883 in the New York court of appeals. Mr. Joseph H. Choate, who presented a brief for the defendant in this case, argued ably, on the authority of Barto *v.* Himrod, Parker *v.* Commonwealth and several insurance-law decisions in Indiana and Louisiana,[1] against the validity of a statute which made the

expediency of the law; an event on which the expediency of the law in the judgment of the law-makers depends. On this question of expediency the legislature must exercise its own judgment definitively and finally.' The statute before us fully answers this description. It came from the hands of the legislature a complete and perfect law, having at once a binding force of its own, and dependent upon no additional assent or action for its validity and existence. The question of expediency involved in it was not delegated to any other tribunal, but settled definitively and finally by the legislature itself. It determined, as a conclusion proper and expedient, that foreign insurance companies, as the price of admission to our territory, should pay in taxes, license fees and the like precisely what the states which created them should impose upon our companies in excess of our usual rates as the price of admission to the foreign territory. That was the whole question involved. Nothing else in the proposed law remained to be settled as expedient or otherwise, and that question the legislature determined for itself, upon its own reasons and its sole responsibility. Neither the law nor its expediency depended upon the legislation of another state. It remained the law and its expediency was the same, whether other states legislated or not. If they did, the contingency arose which the law stood ready to meet; if they did not, it remained none the less the law, although no fact occurred to set it in operation. This court has steadily declined to push the doctrine of Barto *v.* Himrod beyond the point which it decided. In Bank of Rome *v.* Village of Rome (18 N. Y, 39) we sustained as constitutional an act conferring upon municipal authorities certain powers not to be exercised until the act had been approved by two-thirds of the tax-payers. The distinction taken was that the law took effect immediately, and conferred the necessary power, but did not compel the village to act under it unless the tax-payers so determined. The law was complete, although its operation depended upon a contingency, which might or might not happen. A similar distinction was taken in other cases (Starin *v.* Town of Genoa, 23 N. Y. 439; Bank of Chenango *v.* Brown, 26 N. Y. 467; Clarke *v* City of Rochester, 28 N. Y. 605). While there were differences of opinion in these cases as to the precise grounds which distinguish them from Barto *v.* Himrod, there was an entire concurrence in the construction put upon the latter case, a construction which makes it inapplicable to the statute under consideration."

[1] Notably Clark and Murrell *v.* The Port of Mobile (1881), 10 *Insurance Law Journal*, 357. This, decision, however, was pronounced unsound by the supreme court of Illinois in Home Insurance Company of New York *v.* Swigert, 1882, 104 Ill. 653. In this latter case, which also was a case of retaliatory taxation, the court said: "When the contingency upon which the ultimate operations of a law is made to depend consists of . . . the action of some foreign deliberative or legislative body, as is the case here, it is erroneous to suppose [that] the legislature in such case abandons its own legislative functions or delegates its powers . . . to such foreign deliberative or legislative body . . ."

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action of another legislature the condition of its becoming operative. The court sustained the statute and pronounced such a condition admissible, provided the legislature, in the exercise of its discretion, had definitively determined what the law should be. This is precisely the point which would arise if statutes seeking to secure uniform action between several states upon controverted issues in industrial legislation were made to depend for their operation upon reciprocal legislative action.

There are a few legislative precedents for the principles here advocated; but the laws in question have not been brought under examination in the courts. The most notable example is that of a group of statutes having to do with the fisheries in the Delaware River, especially with the protection of sturgeon. In 1895 the legislature of New Jersey passed an act for the protection of sturgeon, approved March 22.[1] Section 3 provided "that this act shall take effect when similar acts shall have been passed by the legislatures of Delaware and Pennsylvania." In the same year, the legislature of Pennsylvania passed an act for the protection of sturgeon, approved June 25,[2] with a precisely similar clause providing that the act should take effect when similar acts should have been passed by the legislatures of the states of Delaware and New Jersey. In 1897 Delaware responded with an act for the protection of sturgeon, passed May 19,[3] section 3 of which provided "that this act shall be deemed and taken to be a public act and shall take effect as soon after its passage as similar and concurrent acts which have been passed by the legislatures of the states of New Jersey and Pennsylvania are enforced." Again, in 1901, both Pennsylvania and New Jersey[4] passed acts authorizing their respective fishery commissioners to coöperate in restoring the sturgeon fisheries in the Delaware River; and each statute made an appropriation of $750, with a proviso that the act should not become operative nor the money appropriated thereby become

[1] General Statutes of New Jersey, 1709–1895, vol. ii, pp. 1593, 1594.

[2] Session Laws of Pennsylvania, 1895, p. 295.

[3] Laws of Delaware, chap. 463, p. 476.

[4] Session Laws of Pennsylvania, 1901, p. 186. Laws of New Jersey, chap. 90.

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available until the legislatures of the other states passed a similar act and appropriation. Again, in 1903, these two legislatures passed additional statutes almost identical in language, each making an additional appropriation for the purposes set forth in the acts of 1901 and under the same conditions. In 1907, New Jersey [1] passed an act providing uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between the state of Delaware and the state of New Jersey, which made operative a compact entered into between these two states relating to boundary controversies. Section 25 of this statute provided: "This act shall take effect immediately but shall not become operative until the legislature of the state of Delaware shall have passed and the governor of that state shall have approved of a similar law agreed upon by the commission, as recited in the preamble of this act." Such a compact of course required the consent of Congress; and in an act approved March 21, 1905, in which the state of New Jersey accepted the compact, the governor was directed to transmit a certified copy of it to the president of the United States, with the request that it be communicated to Congress for its action thereon.

These statutes, relating to fisheries in a river over which two or more states have jurisdiction, would doubtless be sustained by the courts if their validity were questioned. In such cases as these conditional legislation is obviously necessary. It may perhaps be argued that in cases where conditional legislation is not so obviously necessary, enactments of a similar character might not be sustained; but in view of the approval by the courts of retaliatory tax laws it seem improbable that any such distinction would be drawn. These statutes furnish an excellent example of reciprocal legislation, and the methods here applied might well be utilized in the field of industrial legislation.

Professor Ernst Freund, in an article entitled: "Can the States Coöperate for Labor Legislation?" [2] reminds us that Senator Root, in a notable speech, called attention to the dormant possibilities of that clause of the federal Constitution which

[1] Laws of New Jersey, chap. 131.

[2] *Survey*, June 12, 1909, vol. xxii, no. 11.

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forbids the states to enter into compacts or agreements with other states without the consent of Congress, and which thereby impliedly sanctions agreements between the states, subject to such consent. Doubtless, Professor Freund would caution us that reciprocal enactments in the field of social or industrial legislation, obtained as the result of an organized effort to secure uniform legislation, might be regarded by the courts as virtual compacts between the states. Senator Root, in a very able speech before the Washington Conference on Uniform Laws in January, 1910, met this point by saying that, for so desirable a public object as securing uniformity in an important branch of legislation, Congress would doubtless readily give its consent to any arrangements that might be regarded as compacts between the states. In this address, indeed, Senator Root went much further than the program presented in this paper requires or contemplates: he advocated the holding of interstate conferences, made up of delegates authorized by their respective state legislatures to enter into agreements similar to the treaties already concluded between the leading countries of the western world, dealing with subjects of sanitation, industrial legislation and other matters of social policy. Of course, any agreements attained in such interstate conferences would have to be ratified and incorporated in legislation by the participant states, and their respective legislatures would not be bound by other than a moral obligation to support the agreements of their accredited delegates. But, as Senator Root points out, in the field of international relations we have a record of very considerable achievement, in a list of more than one hundred agreements to which the United States has been a party within the last hundred years; and if so much can be accomplished between sovereign nations with conflicting interests and resultant jealousies, why not expect more from the friendly conferences and deliberations of accredited delegates from sister states already bound together in the closest ties of a federal union?

The statutes relating to the fisheries in the Delaware River were to become operative when similar legislation should be enforced in the states specified. The condition was a future fact, and the statutes designated no authority to determine the fact.

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The federal precedent of requiring that the fulfilment of the condition be certified by an executive officer is a better one, and such a provision would be of material assistance to the courts in ascertaining whether the contingency has occurred. It is, therefore, strongly to be recommended that, in any experiment with reciprocal legislation, the statute embodying the wishes of the legislature be made operative by a proclamation of the governor of the state, setting forth publicly that the condition designated in the act has been fulfilled. This method will have the further advantage of interesting the governors in some of the more important subjects of social legislation. The recent organization of the so-called "House of Governors," which brings the chief executives of the several states into closer relations with each other, will give opportunity for the discussion of projects of reciprocal legislation; and the educational power of the chief executive may be brought to bear upon the legislature and upon the electorate in any state which may be backward in meeting a contingency upon which desirable legislation in other states depends.

In closing this paper, it may be suggested that the furtherance of reciprocal state legislation offers to private organizations a new and promising departure in educational and reformatory effort. If, as the writer believes, the program above outlined is more scientific and is likely to prove more effective in securing consideration for statutes covering some of the difficult and debated points in the uniform regulation of industry and of industrial relations, it seems worth while to give it a trial. In states able and willing to adopt a high standard, the chance of securing a position of leadership through unconditional legislation remains, and the effort to secure such legislation need not be relaxed; but in states no less desirous of adopting the highest standard but perhaps unable to afford it, it would be possible to urge legislation in accordance with higher standards, but to make its operation depend upon the acceptance of the same standards in competing sister states.

SAMUEL MCCUNE LINDSAY.

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EFFECT ON REAL ESTATE VALUES OF THE SAN FRANCISCO FIRE

HISTORY does not record any disaster in which property of so much value was destroyed as in the great fire of San Francisco in 1906. It has been estimated that the value of buildings and contents destroyed alone amounted to $350,000,000. This estimate is based upon insurance liability, the general ratio of insurance to value (about seventy per cent) and the probability that about five per cent of property carried no insurance. As to the total loss, guesses have been made that run from $500,000,000 to $1,000,000,000.

When the full extent of the calamity became known, predictions were freely made that the city would never recover. The large proportion of buildings in the business section destroyed, the shock to business confidence and the opportunity afforded to San Francisco's rivals about Puget Sound to seize a part of her trade gave plausibility to this opinion. That it was in fact without foundation, and that a new San Francisco, better and more full of promise than the old one that was destroyed, has come into being, is now generally admitted. What has not been so clearly perceived is that the San Francisco disaster affords a unique test of the permanence and stability of urban land values. It is the purpose of this article to show that, after four and one-half square miles in the heart of a city of a half million of population was completely laid waste, confidence was quickly restored and land values were well sustained.

The average real-estate owner is apt to talk optimistically of his land values. His inclination is to think what he hopes and to discount the future. Too often he is over-sanguine, especially in the matter of time; and too often he expresses his opinion regarding the future of his property in terms that represent his anxiety to profit. If he owns in a particular section, his judgment is likely to become biased in favor of this section in preference to any other section in the city. It is not an unnatural tendency, therefore, for owners to over-estimate values.

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Lest this error be made in comparing values before and since the San Francisco fire of April, 1906, account will be taken only of prices paid in actual sales.

In the four years before the fire, sales of real estate reached a total of $242,672,198; during the four years succeeding the fire, they amounted to $133,776,674, a falling off of about forty-five per cent. But it must be understood that during the latter period local capitalists needed all their money for rebuilding, that they had no money for any other investments. The asking price made no difference. Neither capitalist nor speculator could consider proposals to purchase land. Merchants had no surplus to invest in anything but new stock. The total for 1906 and 1907 also suffered because sales of a total value of ten millions made before the fire were cancelled. Then the panic of 1907, which tied up capital in every city in the country, also limited real-estate sales for that year.

First, as was expected, there was a decline in the volume of real-estate sales after the fire, due to the absorption of much of the capital that was available in building operations. Just how these items compared during the four years preceding and during the four years succeeding the fire is shown in Table I.

TABLE I

	REAL-ESTATE SALES	BUILDING OPERATIONS	TOTAL OF REAL-ESTATE SALES AND BUILDING OPERATIONS
April 17, 1902, to April 17, 1903 . . .	$44,167,586	$14,289,938	$58,457,524
April 17, 1903, to April 17, 1904 . . .	44,705,730	15,547,895	60,253,625
April 17, 1904, to April 17, 1905 . . .	47,642,660	18,443,497	66,086,157
April 17, 1905, to April 17, 1906 . . .	106,156,222	19,097,964	125,254,186
Totals for four years previous to fire	$242,672,198	$67,379,294	$310,051,492
(There was no business done from April 18, 1906, to May 7, 1906.)			
May 7, 1906, to May 7, 1907	$39,619,064	$56,188,423	$95,807,487
May 7, 1907, to May 7, 1908	24,921,140	39,756,156	64,677,296
May 7, 1908, to May 7, 1909	31,121,199	36,486,123	67,607,322
May 7, 1909, to May 7, 1910	38,115,271	30,685,986	68,801,257
Totals for four years succeeding the fire	$133,776,674	$163,116,688	$296,893,362

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As to prices paid for property after the fire, there was a reduction, probably, of from ten to forty per cent, depending on the location. Market Street, the backbone of the city, suffered least. Before the fire little or no real estate could be bought on this street. In a number of cases land had been sold as high as $10,000 a front foot, or $104 per square foot, with many buyers competing and very little property offered. The fire provided an opportunity for banks to secure better locations by purchasing new sites on San Francisco's great artery. The purchases made by these banks of some of the best Market Street corners were at prices as high as those which prevailed before the fire. For the Market Street corners purchased by banks after the fire an average of $98 per square foot was paid.

Market Street, because of the manner in which it was originally laid out, enjoys such a monopoly of travel and of trade that sales on that thoroughfare cannot be taken as an exact measure of the general rise and fall in values for the entire city, either before or after the fire.

The depreciation of from ten to forty per cent lasted but a few months. When the people caught their breath, they realized that San Francisco still held the power of position, and that her place on the map was a guarantee of permanence and eventual greatness. Within a few weeks Market Street property sold above the best former prices; and today the original shrinkage of probably ten per cent has wholly disappeared. In other locations, where the depreciation was as high as forty per cent, depending on distance from old established centers, the depreciation now varies from five to twenty-five per cent, not exceeding the latter proportion.

The foregoing statements represent the opinion of the writer, which is based on daily knowledge of sales. It is confirmed by leading savings-bank appraisers and real-estate agents in the city. It is difficult, however, to prove these statements, for in sales that were made before the fire it is not now possible to ascertain the value of all the buildings. It is not difficult, however, to ascertain the value of the buildings which stood in Market Street before the fire. Most of these improvements were appraised before they were purchased, and others were

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TABLE II

A. MARKET STREET SALES SINCE THE FIRE

DATE	LOCATIONS AND DIMENSIONS OF PROPERTY	PRICE PAID	PRICE PER SQUARE FOOT
Nov. 1906	S. E. cor. Market and New Montgomery, 55 × 91:6	$425,000	$84.00
" "	N. W. cor. Montgomery and Post, at Market N. 75 × W. 160	750,000	62.00
" "	N. W. side Market, 158:4 S. W. of Montgomery, 21:6 × 70	115,000	70.00
Dec. "	S. E. side Market, 125 N. E. of Ninth, 50 × 165	185,000	22.00
Feb. 1907	N. E. cor. Market and Grant Ave., 80 × 100, irreg.	783,000	120.00
" "	N. E. cor. Market, Montgomery and Post, irreg. (including building)	1,750,000	117.00
March "	S. E. side Market, 100 E. of Second, 40 × 155	170,000	29.00
Aug. "	S. E. side of Market, 45:10 S. W. of Spear, 45:10 × 137:6	90,000	14.00
Sept. "	Same property resold for	98,500	15.50
Dec. "	S. E. side Market, W. of Sixth, 25 × 165, with extra 25 ft. front on Stevenson in rear	160,000	16.50
Sept. 1908	S. E. side Market, 365 S. W. of Fifth, 47:6 × 165	190,000	24.00
July "	N. W. cor. Grant Ave. and O'Farrell, at Market, 76:6 × 91 and "L"	760,000	109.00
Dec. "	S. E. side Market, 275 N. E. of Seventh, 25 × 165	85,000	20.00
Jan. 1909	S. E. cor. Market and Main, 45:10 × 137:6	132,750	21.00
" "	N. W. side Market, 47 S. W. of Drumm, 55 × 94 and 116	165,000	29.00
June "	S. E. side Market, 365 S. W. of Fifth, 47:6 × 165 (improved)	265,000	30.00
Aug. "	N. W. side Market, near McAllister, 25 × 100	65,000	26.00
Sept. "	S. E. side Market, 200 S. W. of Sixth, 25 × 165	100,000	24.00
Nov. "	N. W. side Market, 138:6 S. W. of Kearny, 50 on Market, running through to Geary, and 40 on Geary [1]	465,000	78.00 [1]
" "	S. E. side Market, 45:10 N. E. of Spear, 137:6 × 137:6, plus 45:10 × 137:6, adjoining on Spear	400,000 [2]	16.00
Dec. "	S. E. side Market, 137:6 W. of Beale, 91:8 × 137:6	162,500	13.00
April 1910	N. W. side Market, 203 S. W. of McAllister, 25 × 100	65,500	26.00
" "	N. W. cor. Turk and Mason, looking into Market, 42:6 × 75	200,000	62.00

[1] For this same property owners have since refused $84 per square foot.

[2] Reported price.

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B. MARKET STREET SALES DURING THE FOUR YEARS PRECEDING THE FIRE

DATE	LOCATIONS AND DIMENSIONS OF PROPERTY	PRICE PAID, LESS ALLOWANCE FOR BUILDINGS	PRICE PER SQUARE FOOT
April 1902	E. cor. Market and Spear, 45: 10 × 137: 6	$123,500	$18.00
May "	N. W. side Market, 175 S. W. of City Hall Ave., 15 × 100	49,000	16.00
" "	N. W. side Market, 200: 8 W. of Montgomery, 20 × 80	82,000	42.00
June "	Same resold	97,500	51.00
" "	S. E. side Market, 55 S. W. of Eighth, 20 × 80	47,000	20.00
Aug. "	N. W. side Market, 252 N. E. of Golden Gate Ave., 25 × 130, irreg.	160,000	36.00
Sept. "	S. E. side Market, 200 N. E. of Fourth, 25 × 100	120,500	38.00
" "	S. E. side Market, 300 N. E. of Fourth, 25 × 100	120,000	42.00
Jan. 1903	E. cor. Market and Second, 140 × 155	630,000	24.00
April "	N. W. side Market, 250 S. W. of City Hall Ave., 50 × 200	150,000	15.00
Dec. "	E. cor. Market and Fourth, 175 × 170	1,215,000	40.00
Feb. 1904	S. cor. Market and Anne, 142: 6 × 160	1,000,000	37.00
April "	S. E. side Market, 375 S. W. of Sixth, 50 × 165	295,000	24.00
June "	S. E. side Market, 225 N. E. of Fourth, 50 × 100	297,500	53.00
Nov. "	N. W. side Market, 200 S. W. of Marshall Sq., 25 × 100	75,000	28.00
" "	S. E. side Market, 475 S. W. of Sixth, 50 × 90, plus 25 × 75	217,500	31.00
Jan. 1905	S. E. side Market, 125 N. E. of Ninth, 50 × 165	250,000	30.00
Feb. "	N. W. side Market, 53 N. E. of Mason, 29: 3 × av. depth of 60	150,000	76.00
" "	S. E. side Market, 350 S. W. of Sixth, 25 × 165	125,000	24.00
March "	S. E. side Market, 225 N. E. of Fourth, 50 × 100	306,000	55.00
April "	N. W. side Market, 675 N. E. of Marshall Sq., 25 × 100	75,000	28.00
May "	N. W. side Market, 68: 6 N. E. of Ellis, 76: 11 × irreg. depth	700,000	88.00
" "	N. E. side Market, 675 N. E. of Marshall Sq., 25 × 100	90,000	34.00
" "	S. E. side Market, 150 S. W. of Second, 25 × 91: 6	150,000	54.00
June "	N. W. side Market, 202 N. E. of Golden Gate Ave., 25 on Market × irreg. depth	200,000	39.00
" "	N. W. side Market, 28: 6 N. E. of Turk, 56: 5 on Market × irreg. depth	385,000	67.00
" "	Same resold	410,000	71.00
" "	N. W. cor. Market and Battery, 42: 6 on Market × irreg. depth	275,000	38.00
" "	S. cor. Market and First, 30 × 80	120,000	39.00

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B. MARKET STREET SALES DURING THE FOUR YEARS PRECEDING THE FIRE.—*Concluded*

DATE	LOCATIONS AND DIMENSIONS OF PROPERTY	PRICE PAID, LESS ALLOWANCE FOR BUILDINGS	PRICE PER SQUARE FOOT
June 1905	S. E. side Market, 325 S. W. of Sixth, 25 × 165 plus 25 × 75	$160,000	$21.00
" "	S. E. side Market, 350 S. W. of Sixth, 25 × 165	152,000	30.00
July "	S. E. side Market, 100 N. E. of Fourth, 50 × 170	400,000	47.00
" "	S. E. side Market, 150 N. E. of Fourth, 25 × 170	200,000	41.00
Aug. "	S. E. side Market, 45:10 N. E. of Main, 45:10 × 137:6	125,000	12.00
" "	Gore cor. Market and East, irreg., and gore cor. East and Commercial	500,000	42.00
Oct. "	N. W. side Market, 90: 7½ S. W. of Kearny, 48:5 on Market × irreg. depth back to Geary	500,000	103.00
Jan. 1906	S. E. side Market, 91:8 N. E. of Main, 45:10 × 137:6	100,000	13.00
" "	S. E. side Market, 45:10 N. E. of Main, 45:10 × 137:6	135,750	13.00
March "	S. E. side Market, 60 S. W. of First, 100 × 155	400,000	20.00
April "	N. W. side Market, 28:6 N. E. of Turk, 56:5 × irreg. depth	450,000	77.00

so well known that a close estimate can even now be made of their value. Table II shows all the sales made on Market Street in the four years since the fire, as compared with all the sales made on this street in the four years preceding the fire. Taking the prices paid for land since the fire and the prices of all land sold before the fire, and subtracting from the latter the estimated value of the buildings which stood before the conflagration, it is found that the average price paid on this street for the four years preceding the fire was $40 a square foot, and for the four years succeeding the fire $51 a square foot. This comparative increase of twenty-five per cent, however, cannot be shown on any other street. On every street, except Market Street, there has been and is a perceptible decline. Undoubtedly the decline in other sections will be only temporary, as the advanced price in the main thoroughfare is, of itself, sufficient to prove the confidence of investors in the city as a whole.

As property values in any city are established and generally

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measured by central values, it is not entirely unreasonable to quote the sales on the main retail thoroughfare as showing in a general way the rise and fall in values of a whole city. One of the first questions which a stranger, if he be a business man, asks in visiting a large city is: "What is the highest price ever paid here for real estate?" All that the world knows of land values in New York is the top price that has ever been paid, and that price is always compared with the highest figure obtained in other cities. For a gore in Market Street an offer was made this year of $162 per square foot. A sale was made in the same street at the rate of $120 per square foot. The highest price paid before the fire was $104 per square foot.

Land values were never high in San Francisco. Ten thousand dollars a front foot, or one hundred dollars a square foot, on a street which enjoys a practical monopoly of travel and trade is not high. No city ever experienced a more reasonable and healthy growth; it has been consistent and continuous since the "forties." The records of sales since 1867 will show that Market Street values have never dropped, except in a few sales made after the fire. The unusual conditions then existing naturally made it difficult to raise money, and a few owners sacrificed some of their lots to raise money to improve their other holdings. Aside from these, the record shows a consistent and continuous advance.

It would of course be absurd to say that San Francisco land values were unaffected by the fire; but since in the absence of purchasers there were few immediate sales, the full shrinkage of values at that time was not disclosed. It is clear, however, that the shrinkage varied greatly in different parts of the city. A group of Easterners proposed to buy some of the best properties in Market Street immediately after the fire. This syndicate attempted to buy at sixty to seventy per cent of former values; but when it discovered the independence of owners on that street and the confidence they felt in the speedy restoration of values, it immediately withdrew from the field. Outside of the best retail section, everywhere except on Van Ness Avenue and Fillmore Street, this syndicate could have bought freely at bargain rates; but it considered nothing but Market Street.

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Van Ness Avenue and Fillmore Street property advanced at once in value; but this advance showed itself in the asking prices based on rentals rather than in actual sales. It was to these two thoroughfares that all retail business moved. Tenants were willing to pay high rents there for a limited period until they could secure permanent locations in the burned district. A peculiar habit of mind, produced by years of experience, drew merchants downtown, back to the old stands where for so many years they had built up and successfully conducted their businesses.

The fire gave San Francisco a great city housecleaning. All the old, undesirable buildings were swept away; four and a half square miles of "improvements," consisting of old wooden and brick two-story shacks and ten and fifteen-story "class A" structures, were purified by fire. At present San Francisco enjoys the unique reputation of being the only brand-new city on earth. From the vantage point of new and better and more permanent buildings, with rents as high as those that prevailed before the disaster, the majority of property owners now look back on the fire as a blessing in disguise. A New York banker visiting here recently, said: "Your loss may be $300,000,000, but the advertising is worth $600,000,000 to San Francisco." The eyes of the world turned toward San Francisco; its location, its back country and its prospects were reviewed; and that of itself was a great aid toward giving permanence and solidity to values.

In forming an estimate of values, sales tell an exact story; but they do not tell a full story of the rise and fall of any city that may have experienced a setback. For the first month sales could tell no story, for there were no sales. The only thought in the mind of the property owner was: "How can I most expeditiously and most economically regain my lost income?" He would not sacrifice his lot. Partly from patriotism and civic pride, partly from the memory of other days, when his building was a good and consistent income producer, his one desire was to erect a better building than the old one. The old tenants were ready to pay the old rents, if the owner would rebuild in better fashion. Material was high, labor was

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high (and one-third less efficient); but owners and tenants were alike determined upon better structures. The courageous confidence of the downtown owners and tenants upheld values and imparted to them firmness and soundness. There was no alternative. The people were bound by their investments, and those investments must be made to produce. So everybody plunged into the work with a will. Other cities less favorably situated might have felt such a blow more keenly; but San Francisco had a great deal in her favor, and her recovery was very rapid.

The money needed for rebuilding was readily obtained. The rate of interest was not high, although, before one-quarter of the burned district was restored, the stringency of 1907 arrived. This stringency, however, was a blessing, for tight money prevented over-building. The fire insurance companies and the local banks and capitalists, with the aid of Eastern life-insurance companies, provided over $175,000,000 for investment in permanent improvements.

The business of the port was good, and the fire stimulated it. Up to the time of the conflagration $23,000,000 had been expended for seawalls and docks. Since the fire about $5,000,000 has been expended for further extensions, repairs and improvements. A bond issue for $10,000,000 for permanent harbor improvements will be submitted to the approval of the people next fall. All the new piers that have been built since the fire have been constructed of steel and concrete, with concrete roofs, and engineers affirm that no city in the world has piers of such high-class construction.

Besides the large amounts expended by the citizens of San Francisco in rebuilding operations, the United States government has spent and is spending very considerable sums for the same purpose. The new customs house, post office and subtreasury, the work that is in progress in the navy yard, the construction of docks and warehouses for the transport service, will involve a total expenditure of more than $5,000,000.

The rebuilding projects alone freed immense sums of money that went into general circulation. The Western Pacific Railroad was hurrying to the Pacific shores. The Southern Pacific

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Railroad was spending millions to come by an all-rail route over Dumbarton Bridge into San Francisco, and at every point it was increasing its capacity, preparing to handle the great coming business. The Hill lines heading for San Francisco cause a hopeful outlook. The enormous production of oil ($38,000,000 in 1909) proves a strong attraction for eastern capital. Thus, in spite of the setback caused by the fire, many causes have been at work to advance San Francisco's prosperity.

Visitors marvel at the rapidity with which the city has been rebuilt, and at the solidity which marks its reconstruction. Those, however, who study the situation cease to marvel. Even a cursory examination of Table III, showing San Francisco's population, bank clearings, real-estate sales, savings-bank deposits and building operations for the last fifteen years, indicates that such a population doing such a business required the buildings and the machinery to continue the conduct of its affairs.

TABLE III

YEAR	POPULATION	BANK CLEARINGS	REAL ESTATE SALES	SAVINGS BANK DEPOSITS [1]	BUILDING OPERATIONS
1895	325,000	$692,079,240	$15,947,361	$107,744,448	$5,639,942
1896	325,000	683,229,599	11,545,331	104,626,331	5,621,442
1897	330,000	750,789,143	12,903,025	107,603,255	4,203,900
1898	335,000	813,153,024	10,747,102	113,430,900	3,490,603
1899	335,000	971,015,072	14,555,137	122,104,550	4,732.748
1900	342,000	1,029,582,594	18,527,814	128,210,954	6,390,705
1901	375,000	1,178,169,536	29,087,969	135,265,308	7,437,562
1902	400,000	1,373,362,025	47,396,512	148,182,140	14,289,938
1903	425,000	1,520,198,682	47,710,157	154,453,560	14,984,514
1904	450,000	1,534,631,136	45,803,908	158,888,175	16,916,118
1905	475,000	1,834,549,788	74,926,055	167,056,867	20,111,861
1906	400,000	1,998,400,779	68,064,300	168,345,142	39,254,467
1907	479,655	2,133,882,625	31,816,150	160,664,572	50,499,499
1908	487,500	1,757,151,850	31,083,571	146,131,886	35,128,549
1909	487,500	1,979,872,570	33,879,073	156,359,977	30,411,196

The assessed valuation of land and buildings in San Francisco before and since the fire, as presented in Table IV, shows, of course, a shrinkage for the year of disaster and records the

[1] The total deposits in the commercial and savings banks of San Francisco on April 18, 1910, amounted to $318,389,668, or about $700 *per capita*.

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TABLE IV. ASSESSED VALUES

YEAR	REAL ESTATE	BUILDINGS	PERSONAL PROPERTY	TOTAL
1905	$304,136,185	$97,830,165	$122,264,596	$524,230,946
1906	237,082,752	50,250,480	88,805,510	376,138,742
1907	260,689,806	66,815,201	102,127,836	429,632,843
1908	258,651,434	90,860,558	104,820,828	454,332,820
1909	283,213,933	122,935,418	86,180,834	492,330,185

subsequent restoration of values. In 1909 the valuation of the land was only $21,000,000 less than in 1905; the valuation of improvements was $25,000,000 more. The general correctness of these valuations, both as regards the shrinkage of 1906 and the subsequent restoration, is evidenced by the records of sales. The legitimacy of the increase in assessed valuations is also shown by the absence of protests from taxpayers.

The taxes on real estate and improvements for the fiscal year 1909–1910 amounted to over $9,000,000; the delinquency, as reported by the tax collector, amounts to little more than $100,000. Foreclosures of mortgages on San Francisco real estate have not been more numerous since the fire than before it; and with improving conditions it is reasonable to believe that there will be no more than might occur in the ordinary course of business in any city.

At the time of the fire San Francisco was solvent. Its credit was good. Its bonded indebtedness was the lowest in America, only $3,500,000 of bonds having been sold. Its mortgage indebtedness was apparently the lowest of the thirteen leading cities of the United States, amounting to only seventeen and one-half per cent of the estimated value of the land and improvements.

The total authorized issue of municipal bonds for public buildings, schools, sewers, hospitals, for a water supply and for the building of a high-pressure water system for fire protection, amounts at the present time to $25,269,800. The amount sold is $16,140,800.

To appreciate the prospects of San Francisco, its exceptionally favorable situation must be borne in mind. The city is

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backed by an empire rich in agricultural and mineral resources. The *per capita* wealth of California is greater than that of any other state in the Union. In 1909 its total production was valued at $763,770,000.

Colonists are arriving in great numbers: each year brings larger numbers. The great land-holdings of the state, controlled by individuals or by corporations, are being rapidly subdivided and settled by farmers from all over the world.

There is reason, therefore, for the city to throb with its old life and for men to plan a greater future. The Golden Gate must remain open, and no calamity can close it. So long as that gate remains open, San Francisco will live and prosper beside it. Above everything else, San Francisco is a seaport. Outside its bay there are eighty million square miles of ocean, into which open five great seas. The hundreds of millions of people living on those shores in direct deep-water communication with San Francisco are awakening from a sleep of centuries. China is tingling with new life and new ambitions. The celestial empire does not want our social or political or religious institutions, but it does want our products. The enormous far-eastern trade should fall primarily to the states bordering on the Pacific. Von Schierbrand estimates that the potential trade of China alone is equal to that of five United States of America, were there place for such commonwealths between the Pacific coast and the Japanese shores.

The smoke cloud that darkened the horizon for a short time has long since dissipated. The horizon is now clear, and every sign seems to point to a sure and steady advance of the prosperity of the city and the state.

THOMAS MAGEE.

SAN FRANCISCO, CALIFORNIA.

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THE OPENING OF KOREA BY COMMODORE SHUFELDT

THE most important work of the American navy in the Far East during the third of a century that elapsed between our Civil War and the Spanish-American War was concerned with the opening of Korea, "the hermit nation." That country is a peninsula, with an area of about ninety thousand square miles and a population of possibly ten million people. Like China and Japan it long pursued toward foreign nations a policy of isolation and exclusiveness. It was unable, however, to avoid all connection with its two powerful neighbors, Japan and China. For many years Japan claimed a suzerainty over Korea, which in early times was acknowledged by the dependent state. Later Korea acknowledged the suzerainty of China and sent annually to Peking an embassy bearing tribute. Both China and Japan carried on a small trade with the natives on the coast.

The occidental nations had no connection with the Koreans until near the close of the eighteenth century, when some French Catholic missionaries obtained a footing in the peninsula. For many years these missionaries successfully prosecuted their work, notwithstanding the opposition of the Korean government. In 1832 the British East India Company sent a religious and commercial expedition to Korea, which, however, failed to attain results of any importance. In 1866 the Koreans began a new persecution of the foreign missionaries, all of whom were in a few months either driven out of the country or killed. As many of the missionaries were Frenchmen, the French government sent an expedition to demand satisfaction for the injuries inflicted on its citizens. After capturing and burning the town of Kang-hoa, the French forces were so harassed by the natives that they were compelled to withdraw and to return to China.

In 1845 a resolution was introduced in the United States House of Representatives recommending that measures be im-

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mediately taken to effect a commercial arrangement with Korea; but nothing came of this initiative.[1] Not until about the time of the French expedition was the United States brought into relation with the Koreans. In June, 1866, the American merchantman "Surprise" was wrecked on the west coast of the peninsula; and the castaways were supplied by the local authorities with necessary comforts, were transported on horseback to the northern frontier and were there delivered to some Chinese officials.

Three months later a quite different fate befell the officers and crew of the American schooner "General Sherman." The particulars of the visit of this vessel to Korea have never been fully ascertained. It appears that she was chartered by an English house at Tientsin, was laden with merchandise and was sent to the west coast of the peninsula to trade. Her owner (who sailed with the ship), master and mate were Americans; her supercargo and interpreter were British; her crew were Malays and Chinese, and there were two Portuguese on board. She sailed from Chi-fu on August 8, 1866. In November Rear-Admiral Bell received word that she had been wrecked on the Korean coast, and that subsequently she had been burned, with all her people, by order of the king regent of Korea. He at once decided to send one of his ships to investigate her loss, and he wrote to the secretary of the Navy recommending that the squadron be reënforced with some fifteen hundred or two thousand troops, with a view to obtaining possession of Seoul, the capital, and demanding satisfaction of the king regent. This advice the American government did not see its way clear to follow.

The vessel chosen by Bell to investigate the loss was the U. S. S. "Wachusetts," Commander Robert W. Shufeldt, an officer equally distinguished for his naval and diplomatic achievements. Leaving Chi-fu on January 21, 1867, Shufeldt two days later came to anchor off the Korean coast opposite the Sir James Hall group of islands, near the mouth of a large inlet. Had the voyage been feasible in the winter season, he would have

[1] House Doc. no. 138, 28th Congress, 2d session.

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proceeded to the Ta-tong (also called the Ping-yang) River, fifty miles northward, up which stream the "General Sherman" was lost. Shufeldt entered into communication with the natives at the villages near his anchorage and, after meeting with some difficulties, induced one of the chiefs to despatch into the interior a letter addressed to the king of Korea. Several days after the departure of a messenger with this letter, an official of Hae-chow-poo, the capital of the province in whose waters the "Wachusetts" had anchored, came on board the ship. He said that he knew nothing of the "General Sherman," and he ordered Shufeldt to depart speedily and return to his own country. The natives near the anchorage were more communicative respecting the lost vessel, and they all told the same story, namely, that she was burned in the Ping-yang River and that all her people were killed in a melée on shore. Unable to secure any additional information and inclined to believe that he had the truth of the matter, Shufeldt returned to China, without having received an answer to his letter to the king. One may add that the inlet visited by the "Wachusetts" was wrongly supposed to be the Ta-tong River, as may be seen from a chart prepared by her officers. The true Ta-tong River they called the Ping-yang River.[1]

Some months after the return of Shufeldt, it was reported that four seamen of the crew of the "General Sherman" were still alive and were detained as prisoners in the city of Ping-yang. To test the accuracy of this report, Commodore Goldsborough ordered the U. S. S. "Shenandoah," Commander John C. Febiger, to proceed up the Ta-tong River and to investigate further the loss of the unfortunate schooner. In the spring of 1868 Febiger spent several days surveying the river and communicating with the local authorities. When about twenty-five miles up the stream, he was fired upon by a military post but was not hit. He obtained considerable information respecting the lost vessel, little of which, however, could be depended upon. Among the communications that he received was one from the *ex-officio* inspector of the Imperial Board of

[1] Asiatic Squadron Letters, U. S. Navy Department Archives; for 1865–1866, 93, 94; for 1867–1868, 46–93. W. E. Griffis, Corea, p. 392.

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Directors of Korea, addressed to Commander Shufeldt and replying to that officer's letter to the king. This gave a version of the loss of the "General Sherman" favorable to the Koreans, and represented her captain as the aggressor. The principal result of the visit of the "Shenandoah" was a survey of the Ta-tong River and its approaches.[1]

The affair of the "General Sherman" naturally led our government to consider the possibility of making a treaty with Korea. Both Rear-Admiral Stephen C. Rowan, commander-in-chief of the Asiatic squadron, and his successor, Rear-Admiral John Rodgers, proposed the sending of a naval expedition to Korea, similar to that of Commodore Perry to Japan. The government finally decided to make an attempt to negotiate a treaty, to intrust the negotiations to Mr. F. F. Low, the American minister to China, and to provide him with an imposing naval escort. Rear-Admiral Rodgers would have been chosen to undertake the mission instead of Low, had it not been desirable to enlist the good will of China and, if possible, her good offices, by selecting the American diplomatic representative at Peking. Low was directed to consult with Rodgers throughout every stage of the negotiations, and Rodgers was ordered to convey Low to Korea on board his flagship, accompanied with as many vessels of his squadron as could be spared. In November, 1870, the two officers conferred together at Peking and settled the details of the expedition. Doubtless having in mind Perry's procedure in Japan, they agreed to leave Korea after they had informed the authorities of the purpose of their visit and to return a month later for the reply of the government. "This," said Rodgers, "would prevent difficulties from arising between our peoples, avoid any appearance of coercion and leave their imaginations to augment the dangers of refusal." Before leaving Peking, Low sent through the Chinese government to the king of Korea a message explaining the purposes of the expedition and giving assurances of its friendly character.

[1] East India Squadron Letters, January, 1867—April, 1868, 693-702; October, 1867—December, 1868, 164-196. One version of the loss of the "General Sherman" will be found in the Korean Repository (Seoul) for 1895, pp. 251-254.

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Having collected all accessible information relating to the navigation of Korean waters, Rodgers, in May, 1871, assembled at Nagasaki a fleet of five steamships, carrying eighty-five guns and twelve hundred and thirty men. On board the flagship "Colorado" were the rear-admiral and Minister Low with his suite, consisting of secretaries, interpreters, Chinese writers and servants, and five ship-wrecked Koreans who were being returned to their native land. There was much doubt in Low's mind whether the mission would prove successful. Rodgers took a brighter view of its prospects, writing thus on the eve of its departure from Nagasaki:

> The anticipations vary very much as to the reception we shall probably meet. I will hope, until facts dispel hope, that we shall meet with success. The time has come, I infer from what I learn, for the Koreans to make a treaty; and if we do not succeed now, some other power or powers will probably be more fortunate.[1]

On the 19th the fleet arrived at the Ferrieres Islands on the west coast of Korea, and on the 30th, after a course had been sounded and surveyed, it came to anchor near the mouth of the Salée or Han River, some thirty miles from Seoul. Low and Rodgers decided to remain here until they communicated with the king and in the meantime to survey the river. Soon after the "Colorado" anchored, she was visited by four Koreans, who said that three officials of their government were waiting on shore to ascertain the object of the expedition. On the next day the officials came on board the flagship; as they were of inferior rank, Low directed his two secretaries to receive them. They were informed that the American minister had important business to transact with their government, which would be made known to a person of equal rank duly appointed by the king, and that it was the desire of America to establish peaceful relations with Korea. They were also told, as had been the visitors of the previous day, that it was the intention of the surveying vessels to proceed up the river and that every effort would be made to avoid trouble. They made no objec-

[1] Asiatic Squadron Letters, 1870–1871, 309.

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tions, but, on the contrary, gave "tacit assurances" that the expedition would meet with nothing but civility and kindness from the natives.

On June 1 a flotilla from the fleet, while engaged in surveying the river, was unexpectedly fired upon by a Korean fort. The fire of the natives was returned, and a fight took place in which the Americans lost two wounded and the Koreans twenty wounded and many more killed. After a careful consideration of this incident, Low and Rodgers decided that the prestige of the United States would be impaired unless the injury to its flag were avenged or an apology tendered by the Korean government. Through one of his secretaries Low explained to an officer of the local prefecture that sufficient time would be allowed for an apology before any further steps were taken. While deeply regretting the firing on the flotilla, the officer defended the action of the forts, on the ground that the Korean laws prohibited foreigners to pass a barrier of defense. He sent a present of chickens, bullocks and eggs to Rodgers, who declined to accept it.

During the nine days immediately following the firing on the flotilla Rodgers was busily engaged with preparations for a retaliatory expedition. He organized and drilled a division of sailors and marines, made ready supplies and ordnance and settled all questions of transportation. In the meantime he received a letter from the king, which, while somewhat evasive, plainly indicated that he did not wish to make a treaty with the United States. He denied that his subjects were the aggressors in the "General Sherman" affair, and he referred to three instances in which he had protected shipwrecked Americans. To this letter Low sent no reply. No apology for the attack of June 1 was tendered by the Korean government, and the arrangements for retaliation were put into execution. With the details of the retaliatory expedition we are not here concerned. It is sufficient to say that the Americans performed their allotted task with great thoroughness. Five forts were captured or destroyed; fifty flags and four hundred and eighty-one pieces of ordnance were taken, and twenty Koreans were made prisoners. In the principal engagement the loss of the natives were three

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hundred and fifty men killed and wounded, more than half of them being killed; the loss of the Americans was three killed and ten wounded, among the latter being Lieutenant Hugh W. McKee.

Hoping that this disaster to the Korean arms would move the king to accept overtures for a treaty, Low renewed his attempt to communicate with him. The local officials, however, refused to forward Low's letters to their ruler, who probably never received a true account of the events that happened at the mouth of the Salée. As Rodgers considered his force insufficient to make its way to Seoul, and as it was doubtful whether such a movement was authorized by the American government, Low decided to discontinue his mission. On July 3 the squadron weighed anchor, and two days later it arrived at Chi-fu. On receiving an account of Rodger's operations, the Navy Department wrote to him approving them, but at the same time it cautioned him against undertaking the conquest of Korea.[1]

After the return of the Rodgers expedition in 1871, the American government for several years made no attempt to enter into a treaty with Korea.[2] Indeed there appeared to be little or no prospect of success. In 1874, however, our chargé d'affaires at Peking reported that he had received information that a new Korean king and dynasty had come into power, and that they might be regarded as more favorably disposed toward the United States.[3] Two years later Japan made a treaty of amity

[1] Asiatic Squadron Letters for 1871. Annual Report of the Secretary of the Navy for 1871, pp. 275-313. House Ex. Doc. no. 1, part 1, 41st Congress, 3d session, pp. 334–339; no. 1, part 1, 42d Congress, 2d session, pp. 112–153. W. S. Schley, Forty-five Years under the Flag, pp. 73–96.

[2] The succeeding events of this article are based chiefly on the Shufeldt Papers, temporarily deposited by Miss Mary Abercrombie Shufeldt in the United States Navy Department in Washington, and on the Cruise of the Ticonderoga, two volumes, to be found in the archives of the department. Of the Shufeldt Papers, the most valuable are the Korean Letter-Book (which contains all the official letters written by Commodore Shufeldt from July 1, 1882 to August 23, 1882) and the letters to Shufeldt from the State Department, Minister James B. Angell aud Chargé d'Affaires Chester Holcombe. There is in the Shufeldt Papers an unpublished history of the cruise of the "Ticonderoga".

[3] Secretary of State W. M. Evarts to Secretary of the Navy R. W. Thompson, Nov. 9, 1878, in Cruise of the Ticonderoga, U. S. Navy Department Archives, i, 19.

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and commerce with the hermit nation, which opened the ports of Fusan and Gensan to Japanese trade and permitted a Japanese minister to reside at Seoul. The success of Japan encouraged our government to consider the advisability of renewing its overtures. On April 8, 1878, Mr. Aaron A. Sargent, of California, chairman of the Senate committee on naval affairs, introduced in the Senate a joint resolution authorizing the president to appoint a commission to negotiate a treaty with Korea, "with the aid of the friendly offices of Japan." Several days later, this resolution, after a speech by Sargent urging its adoption, was referred to the Senate committee on foreign affairs, from which it never emerged.[1]

There seems to have been some connection between the Sargent resolution and a decision of the Navy Department, made in 1878, to send Commodore Robert W. Shufeldt[2] on an important commercial and diplomatic mission to certain eastern countries, including Korea. In the fall of 1878 the Navy Department placed the U. S. S. "Ticonderoga" at the service of Shufeldt for use in this mission. On December 7 she sailed from

[1] U. S. *Congressional Record*, vol. vii, part 3, pp. 2324, 2600, 2601.

[2] Shufeldt had come to be regarded as one of the most eminent diplomatists of the navy and possessed to an unusual degree the confidence of his government. He was born in Dutchess County, New York, in 1822, and at the age of seventeen received a midshipman's commission. After fifteen years of service at sea and on shore, he resigned from the navy to enter the merchant marine. For two years he was employed on board the Collins ships sailing between New York and Liverpool, and later he commanded several vessels sailing between New York and New Orleans. For a year he was engaged in making an attempt to open a transit route across the Isthmus of Tehuantepec. On the outbreak of the Civil War President Lincoln appointed him consul general to Havana, a post that he filled for two years under most trying circumstances and with conspicuous success. In 1862 the State Department sent him to Mexico on a confidential mission, which seems to have been connected with the occupation of that country by the French. As French troops were in possession of Vera Cruz, it required much tact and discretion to reach the capital and perform the duties required of him. In 1863 Shufeldt again entered the navy, this time as commander; and during the last two years of the war he rendered important service in the naval squadrons off the coast of the Confederacy, participating in several important operations, among others the capture of Morris Island and the attacks on Fort Wagner. His visit to Korea in 1867 has been noted above. Later he commanded a Tehuantepec surveying expedition, and for four years he served as chief of the naval bureau of equipment and recruiting in Washington. L. R. Hamersly, The Records of Living Officers of the United States Navy and Marine Corps (fifth ed.), pp. 25, 26.

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Hampton Roads for the west coast of Africa. We are not here concerned with the commodore's important work as arbitrator of the boundary between Liberia and the adjacent British possessions, as negotiator of a treaty with the king of Johanna, and as collector of commercial information at the numerous ports visited by him. It may be noted in passing, however, that the "Ticonderoga" entered the Persian Sea and sailed up the Euphrates River, being the first American ship of war seen in those waters. In the spring of 1880 she arrived in the Far East, reaching Hong-kong on March 26 and Nagasaki on April 15.

As early as 1867, when Shufeldt made his first visit to Korea, he conceived the project of opening up that country to the western world. After more than a decade, an opportunity for carrying out his plans had now presented itself.[1] His orders from the Navy Department required him

> to visit some port of the Corea with the endeavor to reopen by peaceful measures negotiations with that government. It is believed that the attack upon the Corean forts in 1871 is susceptible of satisfactory explanation, and that a moderate and conciliatory course toward the government would result in opening the ports of that country to American commerce. You will give special consideration to this subject.[2]

The Department of State approved these orders. It, however, was less sanguine of success than the Navy Department, and it expressed the opinion that there was no material change in the prospect of entering into a treaty with Korea. Taking advantage of the intimacy between Japan and Korea, it directed Mr. John A. Bingham, the American minister to the former country, to apply to the Japanese minister of foreign affairs for personal or official letters to the Korean authorities calculated to facilitate Shufeldt's mission.[3]

[1] R. W. Shufeldt, "Korea's Troubles," in the *San Francisco Chronicle*, October 30, 1887, p. 2.

[2] R. W. Thompson to R. W. Shufeldt, October 29, 1878, in Cruise of the Ticonderoga, i, 4, 5.

[3] W. M. Evarts to R. W. Thompson, November 9, 1878, *ibid*, i, 12, 18–22.

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On arriving at Nagasaki, Shufeldt communicated with Bingham, at Tokio, and was informed that Inouye Kaoru, the Japanese minister for foreign affairs, refused to commend the mission to the favorable consideration of the government of Korea, on the ground that it might produce complications in the execution of the Japanese treaty and that it appeared that the Koreans were still disinclined to open their country to occidental nations. He, however, was willing to give Shufeldt letters to the Japanese officials in Korea, and at Bingham's request he wrote a letter introducing the commodore to Kondo Masuki, the Japanese consul at Fusan, one of the three Korean ports open in 1880 to the Japanese, situated on the southeast coast of the peninsula, some two hundred miles from Seoul.[1]

Accompanied by the American consul at Nagasaki and an interpreter, Shufeldt reached Fusan on May 4, one day from Japan. He immediately delivered to the Japanese consul the letter of introduction, and, on the following day, he handed to the consul a letter addressed to the king of Korea and requested him to forward it to Seoul. In this letter Shufeldt attempted to explain satisfactorily the destruction of the "General Sherman" and the events growing out of that incident. He represented his present mission to Korea as a continuation of his former one; he set forth the present motives and objects of the United States; and he requested the king to appoint an officer to confer with him at Fusan. About twenty-four hours later the Japanese consul reported that the governor of the district in which Fusan is situated had refused to forward this letter, saying that he had no authority to forward it and that the Japanese were the only foreigners with whom he could hold intercourse. Balked in this manner, and unable to conceive of any peaceful method of reaching the king from Fusan, Shufeldt returned to Japan.[2]

Arriving at Yokohama on May 11, he at once brought all possible influence to bear on the Japanese government, with a view to inducing it to forward the letter to the king. Finally,

[1] *Ibid.* ii, 322–325.

[2] *Ibid.* ii, 327–348.

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after he had held various interviews with Bingham and the Japanese minister of foreign affairs, the last named official consented to cover the letter to the king with one of his own and thus send it to Seoul. Out of deference to the opinion of the minister and to avoid all pretext for hostility, Shufeldt consented to await a reply at Nagasaki for a period of sixty days, instead of proceeding again to Fusan or some other Korean port, as he had contemplated doing.[1] Through the kind offices of the Japanese government the letter to the king finally reached the Korean minister of ceremony at Seoul, who, however, refused to receive it, partly for the reason, as he asserted, that it was addressed to "Great Corai" instead of "Great Chosen." In further explanation of his refusal, he said: "It is well known to the world that our foreign relations are only with Japan, neighboring to us, which have been maintained since three hundred years, and that other foreign nations are not only situated far from us, but there has never been any intercourse with them."[2]

Shufeldt considered the explanation of the minister evasive, and he suspected, rightly or wrongly, that Japan was not acting in good faith. He said:

> It is her policy indeed to monopolize the commerce of Korea. She possesses in that country exterritorial rights and rules the Koreans with an iron rod. Striving to free herself from the obnoxious sway of foreigners upon her own soil, she is unwilling to have these foreigners see how she has imposed these same laws in an aggravated form upon her defenceless neighbor.[3]

In the summer of 1880, while waiting in accordance with his promise to the Japanese government for news from Korea, Shufeldt made the acquaintance of Ü Tsing, the Chinese consul at Nagasaki, who wrote to Viceroy Li Hung Chang, the great Chinese statesman, informing him of the commodore's desire

[1] Cruise of the Ticonderoga, ii, 349–365, 387–401.

[2] Korean Minister of Ceremony to the Japanese Minister of Foreign Affairs, *ibid.*, ii, 417, 418.

[3] R. W. Shufeldt to R. W. Thompson, October 13, 1878, *ibid.* 477, 478.

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to make a treaty with Korea.[1] Under date of July 23 Li wrote to Shufeldt asking him to come to Tientsin, Li's summer capital, for a personal interview and to talk over matters. "I have heard your name for a long time," said Li, "but I have not yet had the pleasure of seeing you."[2] The invitation was accepted. On August 25, the commodore, having left the "Ticonderoga" at Chi-fu, arrived at Tientsin, and on the following day had a most important interview with Li, concerning which he wrote as follows:

This interview partook largely of a personal and intimate character, and lasted nearly three hours. His Excellency asked me, first, if there was anything I desired. I told him in behalf of our government I desired that China would use her influence to secure with the Corean government a treaty of amity between Corea and the United States; that this country (Corea) lay directly between America and eastern nations, with which our commerce was in constant communication, and although Corea, I knew, was a poor country and promised but little in itself of commercial importance, yet as it was in the line of ocean travel it was of importance to secure from that government protection by treaty of American lives and property that might be stranded upon its shores. After a prolonged discussion, in which the strategic position of the peninsula of Corea with reference to Russia, China and Japan was pointed out, His Excellency told me that I might say to my government that he would use his influence with the government of Corea to accede to the friendly request made by me in behalf of the government of the United States to open negotiations with a view to such a treaty as before mentioned. For this friendly act I thanked him and assured him that it would meet with the appreciation it deserved. Before closing this subject it was decided that the action of the Corean government would be imparted to the American minister at Peking. . . . His Excellency then said that he had invited me to Tientsin with the view of getting the opinion of a naval officer in whom he had confidence on the result of a war between China and Russia, so far as naval operations on the seacoast of the former were concerned. He begged me to reflect on my answers, because he desired my opinion to have

[1] R. W. Shufeldt, "Korea's Troubles," in the *San Francisco Chronicle*, October 30, 1887, p. 2.

[2] Li Hung Chang to R. W. Shufeldt, July 23, 1880, in Shufeldt Papers; Cruise of the Ticonderoga, ii, 402–410.

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full force and effect not only with himself but in the counsels of the nation. I replied by saying substantially that in view of the formidable Russian naval force, thoroughly drilled and equipped, already upon the coast of China, and in view also of the incomplete and chaotic condition of the Chinese navy, of which I was well aware, the result could only be one of disaster to China. After discussing the crisis from an international point of view, His Excellency seemed much impressed and assured me that war should not occur between these two countries, if China could possibly avert it. He said that the two Empresses and the Prince of Kung, Prime Minister, were decidedly in favor of peace, and that he thought these counsels would prevail.

The result of this interview is necessarily given in brief, but I cannot refrain from expressing my admiration for the intelligence and judgment displayed by His Excellency, Li Hung Chang, and my extreme pleasure in the treatment received from him and the evident respect he entertained for my opinions.

In conclusion he expressed the hope that when peace was assured my government would permit me to assist China in the organization of its navy. This, of course, is a matter to some extent personal in its nature, but if consummated would add very much to American influence in China, and probably end in the construction of ships for that government in American ship yards.[1]

Satisfied that he had placed the proposed negotiations in as good a position as the circumstances would admit, Shufeldt returned home, since the period allotted to the cruise of the "Ticonderoga" was about to expire. He arrived at San Francisco on November 8, 1880. In his opinion, the "Ticonderoga" had inaugurated a movement in Korea similar to that inaugurated by the "Columbus" under Commodore Biddle in Japan, and it only remained for the United States to follow up the movement in Korea with a squadron of ships under a discreet officer, as it had done in Japan. He said that

the acquisition of Alaska and the Aleutian Islands, the treaties with Japan, Sandwich Islands and Samoa, are only corollaries to the proposition that the Pacific Ocean is to become at no distant day the commercial domain of America. . . . If any means can now be found to

[1] R. W. Shufeldt to R. W. Thompson, August 30, 1880, in Cruise of the Ticonderoga, ii, 466–470.

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get beyond the barred gates and to reach the central government, I am convinced that Corea could be made to understand, not only the policy of a treaty with the United States, but its absolute necessity as a matter of protection against the aggression of surrounding powers. Corea would in fact be the battlefield of any war between China and Russia or Japan, in whichever way these nations might confront each other.[1]

On reaching Washington, in November, 1880, Shufeldt did not lose sight of his great ambition, the opening of Korea to the western world; nor of Li's request that he should serve him in the capacity of naval aide in organizing the Chinese navy. After the commodore left Tientsin in August, he wrote to Li recommending Lieutenant D. P. Mannix, commander of the marines of the "Ticonderoga," as a suitable officer to give instruction in the use of torpedoes. Li fell in with the suggestion and at once offered Mannix the post of torpedo instructor in the military school at Tientsin. In the spring of 1881 the authorities at Washington, responding to a request from the Chinese government, granted Mannix permission to accept the offer.[2]

In the meantime Shufeldt had been successful in promoting a mission for himself. He urged his government to send him to China for the purpose of aiding Li in organizing the Chinese navy and of making a treaty with Korea by means of Li's assistance. Secretary of State James G. Blaine entered heartily into Shufeldt's plans, and on March 15, 1881, wrote to the secretary of the Navy that circumstances rendered it desirable that a naval officer of adequate rank and reputation should be attached to the United States legation at Peking, and suggested Commodore Shufeldt as a suitable officer for the proposed service. Shufeldt's objects were to be kept secret, and his position as attaché to the legation was to serve as a blind to them. Even our minister to China, Mr. James B. Angell, was not notified of the appointment until the commodore informed him of it in

[1] R. W. Shufeldt to R. W. Thompson, October 13, 1880, *ibid.* ii, 474-481.

[2] Li Hung Chang to R. W. Shufeldt, September 21, 1880; Executive Letters, U. S. Navy Department Archives, xxxiii, 307.

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Peking. On March 18, the secretary of the Navy directed Shufeldt to report to the minister at Peking for special duty, proceeding thence at such time as the secretary of State might designate. On May 9 Blaine ordered him to leave San Francisco on the 19th for Peking, and to stop on his way at Tientsin to ascertain whether the Korean government was ready to resume negotiations for a treaty. On reaching China he was to wait for further instructions respecting Korea. The State Department granted him permission to aid Li in organizing the Chinese navy.[1]

The commodore was accompanied to China by his daughter, Miss Mary Abercrombie Shufeldt, who acted as his secretary. He arrived at Shanghai on June 21, and thence proceeded to Tientsin to see Li Hung Chang, before reporting at Peking. On July 1 Shufeldt had an interview with the viceroy. The latter said that, in accordance with his promise made in the previous August, he had had a conversation with a Korean official in China respecting a treaty between the United States and Korea, and that the official was much impressed with the advantages that his country would derive from such treaty. Li further said that he had written to the government of Korea on the subject but had not yet received a reply. He advised the commodore to exercise patience and expressed the opinion that eventually the United States would realize its wishes. He, however, appeared less enthusiastic than at the previous interview and less willing to act as an intermediary. This change of heart the commodore ascribed to the recent treaty between China and Russia, which lessened Li's dread of Russian aggression. The viceroy was annoyed at an effort which, he understood, had been made by our minister to Japan to persuade Korea to send an envoy to Tokio to confer with our minister respecting a treaty. He said there were two parties in Korea, one in favor of and the other opposed to intercourse with foreigners; and that the king and the court officials belonged to the first of these parties. He expressed his satisfaction with

[1] Executive Letters, xxxiii, 377. Secretary of State J. G. Blaine to R. W. Shufeldt, May 9, 1881; C. L. Fisher to R. W. Shufeldt, March 1, 1881; J. G. Blaine to C. Holcombe, November 14, 1881, in Shufeldt Papers.

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the work already performed by Lieutenant Mannix as torpedo instructor. On the day following this interview, the viceroy returned the commodore's call, and subsequently Shufeldt accompanied him on a visit to one of his men-of-war and witnessed a drill conducted entirely by Chinese officers.[1]

On leaving Tientsin, the commodore went to Peking, where on July 7 he presented to Minister Angell his credentials as attaché to the legation. After paying his respects to the Tsung-li Yamen, the Chinese foreign office, he returned to Tientsin, where he established himself, with his daughter in charge of the social affairs of his household, always matters of great importance in the Orient. About the middle of July he had another interview with Li, who, apparently influenced by news of Japanese encroachments in Korea, again manifested much interest in the negotiation of the proposed treaty. He said that he had sent a letter to the Korean government of such import that it would at least elicit a reply, if it should not be the means of the appointment of a Korean official to consult with respect to a treaty. He expected a reply within ninety days, and he asked the commodore to remain at Tientsin to receive it and to meet the Korean official, should one be sent there.[2]

During the remainder of the summer and all of the autumn of 1881 Shufeldt was at Tientsin, awaiting news from Korea. He had expected Li to take some action regarding his offer of a responsible post in the Chinese navy, but the viceroy found it advisable to avoid that subject. For a time, however, he frequently consulted Shufeldt respecting naval affairs and often adopted his suggestions. The commodore's constant visits to Chinese ships of war and arsenals created a general impression that he was to take charge of the Chinese squadron of the North. This aroused the envy of some of the foreigners in the Chinese service, and several of the foreign ministers at Peking used their influence to prevent his employment. Responding to the pressure that they brought to bear, Li became less and less com-

[1] R. W. Shufeldt to J. G. Blaine, July 1, 1881; R. W. Shufeldt to Secretary of State F. T. Frelinghuysen, January 23, 1882.

[2] R. W. Shufeldt to J. B. Angell, June 18, 1881; R. W. Shufeldt to F. T. Frelinghuysen, January 23, 1881.

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municative respecting naval matters; and finally Shufeldt, in order to maintain the dignity of his rank and station, declined to have any further connection with the Chinese navy.[1]

The period of ninety days fixed by Li as sufficient for the reception of news from Korea expired about the first of October, and no news had been received. Shufeldt's position now became exceedingly embarrassing, and the question arose whether under the circumstances his dignity would not be sacrificed by his remaining longer at Tientsin, where to outsiders he appeared as a hanger-on to Li's court and a solicitor of a naval job. Minister Angell advised his departure, and Mr. Chester Holcombe, the American chargé d' affaires, who in October succeeded Angell at Peking, was inclined to agree with his predecessor.[2] The commodore, however, decided to remain until he heard from Korea.

Finally on December 15 Shufeldt received a call from the viceroy's naval secretary, who was sent by his master to say that a Korean official had reached Tientsin bringing the information that Korea was now willing to make a treaty with the United States. The commodore replied that he would communicate the intelligence to his government at Washington, that if it wished to make a treaty it would appoint a commissioner, and that the negotiators probably could not begin work until spring. Not only the necessity of waiting until the American government appointed a commissioner, but also the fact that Li was about to depart from Tientsin to Pao-ting-fu, his winter capital, made a delay imperative. On receiving this news Shufeldt sent it to Holcombe to be telegraphed to Washington. Soon after its receipt there, Secretary of State Frederick T. Frelinghuysen, who had succeeded Blaine, telegraphed these words to Holcombe: "Congratulate Shufeldt on prospect of successful negotiation."[3]

[1] Korean Letter Book, 7–10, 23–24, 27–28. C. Holcombe to R. W. Shufeldt, November 9, 1881; J. G. Blaine to C. Holcombe, November 14, 1881.

[2] J. B. Angell to R. W. Shufeldt, October 14, 1881; C. Holcombe to R. W. Shufeldt, November 26, 1881.

[3] R. W. Shufeldt to C. Holcombe, December 16, 1881; F. T. Frelinghuysen to C. Holcombe, January 7, 1882.

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The commodore was disappointed in not receiving additional instructions from his government in respect to Korea in the summer or fall of 1881. The assassination and death of Garfield, however, had more or less interfered with the plans of the administration. When he received information of Korea's willingness to negotiate, he was not aware that his government had already appointed him a special envoy to Korea and had authorized him to negotiate a treaty with that country. His instructions were signed by Secretary Blaine on November 14, and his letter of credence by President Arthur on the following day. He was also provided with a letter written by the president to the king of Korea. Rear-Admiral Clitz, the commander-in-chief of the Asiatic squadron, was directed to place a vessel at his service. On January 6, 1882, the new secretary of State wrote to him increasing his powers, giving him a few additional instructions, congratulating him on the auspicious beginning of his mission and expressing appreciation of the friendly aid received from Li.[1]

Shufeldt's prime purpose, according to his instructions, was to obtain a treaty for the relief of American vessels and crews shipwrecked on the Korean coast. However, should he find the temper and disposition of the king favorable, he was also to negotiate a treaty of amity and commerce, securing rights of trade, fixing tariffs, establishing consular and diplomatic representation and granting exterritorial jurisdiction. He was cautioned not to ask for too much, as the initial treaty might well serve as a first step in opening a hitherto closely sealed country. He was ordered not to begin negotiations unless there were reasonable prospects of success. In carrying out his instructions he was left largely to his own discretion. His stay in Korea, however, was limited to two months.[2]

Shufeldt did not receive the Blaine instructions until January 19. Four days later he wrote to Li, who was still at his winter

[1] J. G. Blaine to R. W. Shufeldt, November 14, 1881; President Arthur's letter of credence, dated November 15, 1881; F. T. Frelinghuysen to R. W. Shufeldt, January 6, 1882; R. W. Shufeldt to J. M. B. Clitz, January 20, 1882.

[2] J. G. Blaine to R. W. Shufeldt, November 14, 1881; F. T. Frelinghuysen to R. W. Shufeldt, January 6, 1882.

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capital, informing him of the action of the Washington government and suggesting the propriety of meeting him at such time and place as he might select. The viceroy replied that he would be glad to see the commodore at Pao-ting-fu, provided he would come incognito. This he declined to do, as he did not wish to give the negotiations the character of a personal intrigue between himself and the viceroy. It was then settled that the interview should be postponed until Li's return to Tientsin in March.[1]

The prospects for a successful outcome of the mission seemed highly flattering. There was danger, however, that complications might arise. It was known that the viceroy had urged the British minister at Peking to inaugurate a negotiation with a view to a treaty between England and Korea.[2] Fortunately for Shufeldt the governments at both Peking and Seoul now showed the greatest interest in the opening of Korea to intercourse with the western nations. Not Li alone, who was inclined to represent himself as the prime agent in bringing together the contracting parties, but the Chinese government also was supporting the movement to open Korea, as may be seen from the following extract from a letter of Holcombe, dated February 4, 1882:

> I was at the Yamen—the Foreign Office—on Wednesday last, and sounded the Ministers on the Corean question. They responded more readily and freely than I had anticipated, and told me some things which surprised and pleased me and which explain Li's course in the Corean question.
>
> All matters concerning Corea have in past years been attended to by the Board of Rites here, the oldest, highest, and most intensely anti-progressive of the Six Boards. The Yamen told me that last spring, through Prince Kung's influence, Corean questions were transferred from the Board of Rites to the Foreign Office; that the Emperor of China himself wrote a letter to the King of Corea, urging him to establish treaty relations with Foreign Powers, and first with the United States; that Li was simply ordered to forward that letter; that the King of Corea had replied that he was willing and even anxious to

[1] Korean Letter-Book, 17–20, 42–44, 46.

[2] Korean Letter-Book, 74.

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negotiate with the United States. They added that the King and a large proportion of the people of Corea understand the situation and are ready for foreign intercourse, but that there is there, as in China, an anti-foreign party.[1]

Early in February Shufeldt went to Peking to confer with Holcombe. As the latter had resided in the Far East for several years and was an accomplished Chinese scholar, it was agreed that he should attend the interview with Li. His presence, it was thought, "would perhaps render Li himself a little more cautious, and consequently reliable," and would place a check on Li's "exceedingly slippery interpreters." Shufeldt again visited the Tsung-li Yamen, and found it quite cordial and eager to aid him in his negotiations. Before returning to Tientsin, he and Holcombe prepared a draft of a treaty with Korea (draft no. 1). This contained no reference to China's claim to suzerainty over Korea, on the inclusion of which, it was well known, the viceroy was determined to insist.[2]

On the arrival of Li at his summer capital, about the middle of March, it soon appeared that the terms of the treaty were to be virtually settled at Tientsin and not in Korea, and that the viceroy was to represent both his own government and that at Seoul. With the latter he kept in touch by means of its representative in Tientsin, who stayed in the background and who had no formal connection with the negotiations. "I have every reason to believe," wrote Shufeldt on April 10, "that there is at this moment in Tientsin a Korean official who is consulted at every step."[3]

The negotiator on the part of China and Korea, Li Hung Chang, was easily the most powerful man in the Chinese empire and in large measure dominated its foreign policy. He was viceroy of Chili (the province in which Tientsin is situated), senior guardian of the heir apparent, grand secretary, commander-in-chief of eighteen provinces, commissioner of coast

[1] C. Holcombe to R. W. Shufeldt, February 4, 1882.

[2] R. W. Shufeldt to C. Holcombe, December 4, 1881; C. Holcombe to R. W. Shufeldt, January 31, 1882; R. W. Shufeldt to F. T. Frelinghuysen, March 11, 1882.

[3] R. W. Shufeldt to F. T. Frelinghuysen, April 10, 1882.

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defenses *etc., etc.* Shufeldt described Li as he appeared at this time, somewhat unsympathetically it is true, as follows:

He is fifty-nine years of age, six feet two inches in height; has a clear, cold, cruel eye and an imperious manner. He is a thorough oriental and an intense Chinaman. These imply contempt for western nations and hatred for all foreigners. Li Hung Chang is the Bismarck of the East; he keeps together an incongruous empire and an effete dynasty by the repressive force of an indomitable will. He suppresses rebellions by decapitation and quiets the turbulent with the bamboo; yet he is great, not because he is so much in advance of his countrymen, but because he is not so far behind as they are in an appreciation of the arts political and physical which govern the modern world. He at least recognizes the value of these forces; he buys ships of war, constructs forts, experiments in torpedoes and drills troops with modern arms.[1]

On March 25, accompanied by Holcombe, Shufeldt held the first of a series of interviews with Li. Concerning what took place at this meeting, he wrote to the secretary of State as follows:

His Excellency authorized the following statement, which I told him I intended forwarding to Washington.

The King of Corea and his prime minister are in favor of opening the county to foreigners, and are not only willing but anxious to treat with the United States, but there is a faction at court and among the people intensely hostile to the movement. A Corean envoy has recently visited His Excellency at Pao-ting-fu, and it was then determined to ask the Corean King to send an ambassador to China for the purpose of making a treaty with the United States, under the supervision of His Excellency the Viceroy, and to return to Corea when I go to that country for its ratification.

To facilitate this arrangement I have transmitted a draft of a treaty to the Viceroy, such as I thought would accord with my instructions, and His Excellency in return has presented one, which, while stipulating for the quasi-political dependence of Corea, is yet not by any means incapable of being reconciled with our own demands.

[1] R. W. Shufeldt to A. A. Sargent, January 1, 1882, in Korean Letter-Book, 32, 33. See also *San Francisco Evening Bulletin*, March 20, 1882, p. 3, and other American newspapers of about the same date.

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On Saturday next [April 1] I am to present my objections to this draft to the Hai-kwan-Taotai, who is empowered to discuss the question with me.

Both Corea and China are anxiously looking for protection against the growing aggression of Japan on the peninsula. In this connection the Viceroy informed me in the strictest confidence that the King of Corea would now be glad to see an American man of war in the Seoul river, and His Excellency advised me by all means to go to that point and to get as near the capital as possible. . . .

I informed His Excellency that the United States had now been waiting more than a year for the action of the Chinese authorities in the matter of Corea, that the proposition to intercede came from His Excellency, that the United States had accepted it in the friendliest spirit, and that I hoped there would be no delay in the action foreshadowed; and I further told him that if there was no prospect of success by May 1st, prox., I should telegraph to the State Department and advise the abandonment of the project. His Excellency said that he had promised me his assistance in this matter, and he intended to fulfil it to the extent of his power.[1]

On exchanging the first drafts of the treaty (drafts nos. 1 and 2), it was apparent that the only important differences between the negotiators related to the first article as drafted by Li, and especially to Li's inclusion of the following sentence: "Chosen, being a dependent state of the Chinese Empire, has nevertheless heretofore exercised her own sovereignty in all matters of internal administration and foreign relations."[2] At an interview, held on April 1, between Shufeldt and the hai-kwan-taotai, Li's principal assistant, the latter made the commodore's assent to the Chinese draft of article 1 the *sine qua non* of any further discussion of the treaty. The commodore refused his assent and the interview came to an end. Shufeldt now prepared "draft no. 3," a combination of nos. 1 and 2, with the objectionable features left out; and Li prepared "draft no. 4," a combination of 1 and 2, with the objectional features left in. At an interview held at Li's yamen on the 5th, the viceroy declared that article 1 was indispensable, that the instructions of his government made its inclusion imperative and that it was

[1] R. W. Shufeldt to F. T. Frelinghuysen, March 30, 1882.

[2] Draft No. 2, in Shufeldt Papers.

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written at the desire of the king of Korea. Shufeldt then read an argument against its inclusion. He submitted that, since Korea (as asserted in article 1) was in possession of sovereign powers in respect to its foreign and domestic relations, the United States had the right to treat with her independent of the suzerainty of China. He declared that a reference to China was not pertinent to the treaty, that it might cause complications, and that he had no power to connect the United States with China as the joint protector of Korea. Subsequently, after a considerable discussion of the question, Li asked for four days in which to consider it.

By the 10th the treaty seemed to be practically completed, as the viceroy had agreed to waive article 1, provided the commodore would make a request in writing for a messenger to accompany him to Korea as the representative of the Chinese government and would state in the request that, owing to the fact that Korea was in a certain sense a dependant of China, he had asked for the intervention of the Chinese authorities for the accomplishment of the purpose in view. To this proposition Shufeldt was willing to assent. He also promised to forward to the president of the United States a letter, which was to be written by the king of Korea and after the treaty was signed, stating that the treaty had been made by and with the consent of the government of China.[1]

Subsequently to reaching these agreements, the question of the inclusion of article 1 was again brought up for discussion, and at one time so procrastinating were the tactics of the Chinese and so serious was the breach between the negotiators that Shufeldt threatened to break off the negotiations and proceed to Chi-fu. His spirited stand brought the Chinese to terms, for they were as desirous as he that the treaty should be made.[2] The cause of the failure of Li's proposition respecting the waiving of article 1 and the result of that failure are thus set forth by the commodore:

[1] R. W. Shufeldt to Li Hung Chang, April 4, 1882; memorandum of R. W. Shufeldt dated April 6, 1882; R. W. Shufeldt to F. T. Frelinghuysen, April 10, 1882.

[2] M. A. Shufeldt, The Treaty with Korea, 8–10, in Shufeldt Papers; rough draft of Shufeldt's ultimatum to Li Hung Chang (undated) in Shufeldt Papers.

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This proposition would have been agreed to, if, during an interview between Mr. Holcombe and the Foreign Office at Peking, that office had not proposed to him whether in some way less positive the suzerainty of China over Corea might not be mentioned in the treaty. To this proposition Mr. Holcombe did not see the objections which had occurred to me. Consequently the Foreign Office addressed a letter to the Viceroy on the subject, and out of deference to the wishes both of the Foreign Office and of His Excellency the Viceroy, although contrary to my own judgment, I sent to the Department on the 12th inst. the following telegram: "May I insert in treaty with Korea an article admitting dependence of Corea upon China, China conceding sovereign powers to Corea. They desire it. I have objected. Answer."[1]

By April 19 the treaty was completed in every particular except one, the question of the admission of the suzerainty of China. On that day Shufeldt telegraphed the secretary of State as follows: "Business arranged, except subject cipher telegram [refers to telegram of the 12th]. Ready start for Corea. Must have interpreter. Suggest Holcombe. His assistance very necessary. Thirty days probably sufficient. Can you send him, putting Taylor in charge of archives at Peking?"[2]

For several days Shufeldt awaited replies to his telegrams, but no replies came. Under date of January 20 he had written to the department, asking for authority to employ an interpreter, but his request was not attended to. Much vexed at the strange action of his superiors in Washington, he made preparations for his departure to Korea. He and Li agreed, tacitly or otherwise, to abide by the compromise measures originally accepted in lieu of the exclusion of article 1. From Tientsin he went to Shanghai and thence to Chi-fu, where he arrived on May 4. Here he found the U. S. S. "Swatara," Commander P. H. Cooper, detailed by Rear-Admiral Clitz for Korean service, and three vessels of the Chinese navy, under the command of Admiral Ting. Here had also arrived the representative of the Chinese government, Ma-Kietchong, an expectant taotai of the honorary title of the second rank. This official informed the commodore that Li had forwarded a copy of the proposed treaty to the king of Korea, and that it did not contain the objection-

[1] R. W. Shufeldt to F. T. Frelinghuysen, April 28, 1882. [2] *Ibid.*

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able article, which the commodore feared Li might insert. At an interview with Ma it was agreed that the Chinese vessels should leave for the mouth of the Salée, or Seoul, River on the morning of the 7th, and the "Swatara" twenty-four hours later—an arrangement that was carried out.[1]

At seven o'clock on the morning of May 8, the commodore and his Chinese interpreter having come on board, the "Swatara" got under way for the coast of Korea. Her departure caused much commotion among the foreign vessels in the harbor, several of which hastened to send dispatches to their ministers at Peking.[2] At 2:15 p. m. of May 12 she anchored at the mouth of the Salée river, a little below Roze Island, and found there the Chinese corvette "Wei-Yuen," bearing the flag of Admiral Ting, two other Chinese vessels and the Japanese gunboat "Banjo." On the following day Ma, who acted as intermediary between the Americans and Koreans, called on Shufeldt to arrange for a visit of two Korean commissioners who had been appointed by the king to "negotiate" the treaty.

The principal commissioner, Shin Chen, president of the royal cabinet, had negotiated the Korean-Japanese treaty. His colleague was Chin Hong Shi, a member of the royal cabinet and formerly an envoy to Japan.[3] On the 14th these two officials, attended by their staff and an interpreter, visited Shufeldt, and were received with a salute of three guns, the courtesies of the ship being extended to them. They were exceedingly friendly in their expressions of good will, and after their return ashore they sent abroad presents of rice, eggs, fowls and beef. Six days later Shufeldt, accompanied by several officers, visited the commissioners at a place in the interior, about six miles from the ship, called Yin Chuen. Here the credentials were examined and found satisfactory, and the commodore presented the commissioners with Arthur's letter to the king, insisting that it should be delivered as a message from a sovereign ruler of a friendly nation and answered in the same terms. It was here

[1] Korean Letter-Book, 63–68.

[2] Miss M. A. Shufeldt, The Treaty with Korea, 10, 11; Rear-Admiral J. M. B. Clitz to the Secretary of the Navy, May 17, 1882.

[3] Korean Letter-Book, 69, 70.

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settled that two days later a meeting should be held on shore, in sight of the "Swatara," for the purpose of sealing, signing and delivering the treaty which had been perfected at Tientsin.[1] Concerning this last formality, which took place on May 22, the commodore made the following memorandum:

May 22: At 9:30 a. m. Commodore Shufeldt, accompanied by Commander P. H. Cooper, Lieutenants E. C. Pendleton and H. R. Tyler, Surgeon J. A. Hawke, Paymaster H. T. B. Harris, Chief Engineer A. Adamson, Ensigns W. F. Fullam, W. G. David and P. V. Landsdale, Cadet Midshipmen J. R. Maloney, H. B. Andrews and H. L. Ballentine, and Cadet Engineers W. F. C. Hasson and C. A. E. King, and preceded by the marine guard of the U. S. S. "Swatara," under command of First Lieutenant W. F. Spicer, left the ship and proceeded to the place previously selected for the signing of the treaty between the United States and Corea, which was on the mainland near the town of Sai-mots-fo [Chemulpo?] and in full view of the ship at anchor in Roze Roads. He proceeded at once to the tent which had been put up by the Corean authorities, finding there the two commissioners on the part of Chosen, Shin Chen, president of the Royal Cabinet, and Chin Hong Chi, member of the Royal Cabinet, with their suite, and Ma Taotai, and Admiral Ting and Captain Clayson of the Imperial Chinese Navy. After a little preliminary conversation, the six copies of the treaty, three in English and three in Chinese, were sealed and signed by Commodore Shufeldt on the part of the United States, and by the two commissioners already named on the part of Chosen. As soon as the signing was completed, at a signal from the shore, the "Swatara" fired a salute of twenty-one guns in honor of the King of Chosen. Commodore Shufeldt and party then returned on board the Swatara."[2]

The treaty that was signed in Korea, with the exception of a slight modification of article 8, was identical with the one negotiated with Li at Tientsin.[3] The "negotiations" in Korea consisted of but little more than the sealing and signing of a document already agreed to by the three interested parties. Shu-

[1] Korean Letter-Book, 61, 74; Log of "Swatara", in Shufeldt Papers; P. H. Cooper to J. M. B. Clitz, May 30, 1882, in Asiatic Squadron Letters.

[2] Korean Letter-Book, 74, 75.

[3] R. W. Shufeldt to F. T. Frelinghuysen, August 23, 1882.

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feldt gained the point for which he so vigorously contended, that the treaty should contain no recognition of the claim of China to suzerainty. Two days after the signatures were appended, he received a letter from the king, addressed to the president, which contained the following significant acknowledgment: "The Chou Hsien country (Corea) is a dependency of China, but the management of her governmental affairs, home and foreign, has always been vested in the sovereign."[1] He also received a friendly letter from the king addressed to the president, a reply to the letter of President Arthur. Both of these documents he forwarded to the State Department.

Mention must be made of the interest manifested by the Japanese in the negotiating of the treaty. On Shufeldt's arrival at Roze Roads on May 12, the commander of the Japanese gunboat "Banjo" delivered to him a letter from our minister to Japan, Mr. John A. Bingham, introducing him to Mr. Hanabusa, the Japanese minister at Seoul, with whom, wrote Bingham, I have no doubt that you will find it to your advantage "to cultivate intimate and, if need be, confidential relations." This letter called forth a letter from Shufeldt to Hanabusa. In Hanabusa's letter of reply to Shufeldt, occur the following suggestive words: "I was waiting for your arrival there [Roze Roads] wishing to speak something about our relations with Coreans *etc.*, but I had been obliged to enter Seoul without any delay for some urgent business, but I think I can visit you within four or five days." On Hanabusa's return to Roze Roads Shufeldt reached the conclusion that Japan regretted her declination two years before to act as intermediary between the United States and Korea, and that she was now anxious to retrieve her error. Hanabusa watched every movement of the negotiators, and "was only prevented from offering his services by the sudden and to him unexpected conclusion of the treaty."[2]

On the morning of the 24th the "Swatara" sailed for Shanghai, where she arrived on the evening of the 26th. Here the

[1] Korean Letter-Book, 79.

[2] J. A. Bingham to R. W. Shufeldt, April 26, 1882; R. W. Shufeldt to Hanabusa May 12, 1882; Hanabusa to R. W. Shufeldt, May 17, 1882; R. W. Shufeldt to F. T. Frelinghuysen, June 8, 1882.

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commodore was employed several days preparing translations of the Korean documents, before forwarding them to the State Department. On June 4 he arrived at Nagasaki, where he remained several weeks, hoping that an arrangement might be effected whereby he would succeed Rear-Admiral Clitz as commander-in-chief of the Asiatic squadron. Failing in this, he sailed for San Francisco, arriving there on July 29, 1882. As his arduous and exacting duties had impaired his health, he remained in California several months before proceeding to Washington.

The reasons for the failure of the State Department to reply to Shufeldt's telegrams present several points of interest. One cause of its failure may possibly be traced to the publication, on or about March 20, 1882, in various papers throughout the United States, of the famous Shufeldt-Sargent letter. On January 1, Shufeldt wrote a long letter to his friend, Senator Aaron A. Sargent of California, in which he spoke with great freedom of the Chinese government and people and of Li Hung Chang and the empress. Through a misunderstanding this letter was given to the press, and its publication was exceedingly embarassing to the administration. Frelinghuysen characterized it as an "extraordinary letter, brutal in its frankness." The incident naturally caused considerable coldness between Shufeldt and the secretary of State.[1] There seem, however, to have been other reasons for the procrastination of the department at a crucial moment in the negotiations. Shufeldt was an appointee of Blaine, between whom and Frelinghuysen no love was lost. The latter apparently was not loath to have the Korean treaty consummated by an appointee of the Arthur administration, Mr. John Russell Young, the new minister to China. It is said that, when Young on his way to his station heard in June at Nagasaki from the commodore that the treaty had been signed, he could not conceal his profound disappointment.[2]

[1] A. A. Sargent to R. W. Shufeldt, April 26, 1882; Secretary of the Navy W. E. Chandler to R. W. Shufeldt, June 2, 1882; R. W. Shufeldt to W. E. Chandler, rough copy, undated, probably about July, 1882; G. M. Robeson to R. W. Shufeldt, June 4, 1882.

[2] Conversation with Miss M. A. Shufeldt. C. Holcombe to R. W. Shufeldt, May 15, 1882; Korean Letter-Book, 10, 11.

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The Korean treaty was transmitted by Arthur to the Senate on July 29, 1882, and was ratified on January 9, 1883. Ratifications were exchanged at Seoul on May 19, and the treaty was proclaimed on June 4, 1883.[1] Already the first American minister to Korea, Mr. Lucius H. Foote, had arrived at the capital and had been received by the king and queen with much distinction and courtesy. Before the end of the year a Korean embassy visited the United States, where many attentions were shown it by both government and people.

The Korean treaty was much more comprehensive than the initial treaties of either our own government or other occidental governments with China and Japan, which were little more than shipwreck conventions. In January, 1882, Frelinghuysen wrote to Shufeldt that if he obtained only a shipwreck convention his mission would yield admirable results. He was cautioned not to try to gain too many or too great advantages.[2] Disregarding this advice, Shufeldt negotiated a treaty of "peace, amity, commerce and navigation," quite comprehensive in character and containing fourteen articles. Among its important provisions are those permitting American citizens to trade at the open ports of Korea and to erect residences and warehouses therein, fixing rates of tariff, granting the usual privileges contained in shipwreck conventions, establishing diplomatic and consular representation, prohibiting traffic in opium, giving to American consuls in Korea extraterritorial jurisdiction, and granting to the United States the privileges obtained from Korea by the most favored nation.[3]

The success of Shufeldt's mission attracted little attention in the United States, indeed much less than his unfortunate letter to Sargent. Our people knew little or nothing of Korea and were not yet interested in the politics of the Far East. With the ruling powers at Washington the commodore was out of favor. President Arthur did not mention him in his messages to Congress, and the State Department was none too prompt or cordial in expressing its appreciation of his services.[4] As a

[1] Sen. Ex. Doc. no. 47, 48th Congress, 2d session, p. 216.

[2] F. T. Frelinghuysen to R. W. Shufeldt, January 6, 1882.

[3] For the text of the treaty, see Sen. Ex. Doc. no. 47, 48th Congress, 2d session.

[4] Acting Secretary of State W. Hunter to R. W. Shufeldt, September 6, 1882. See

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result of the indifference of the people and the disfavor of the government, the commodore never received the recognition in America that was legitimately due him.

Other nations, and particularly those having interests in the Far East, were quick to see the importance of his achievement. Within a few weeks after the signing of the American treaty, Great Britain and Germany made treaties with Korea, and these countries were soon followed by Italy, Russia, France, Austria and China, all of them accepting the commodore's work as a model for their own. The similarity between the feat accomplished by Perry in Japan and that by Shufeldt in Korea is so obvious that it has been frequently commented upon. One of the earliest of the comments is by a leading London journal,[1] and another by a fellow officer of Shufeldt, the commandant of cadets at the Naval Academy. "The making of the treaty," wrote that officer, "will place you in history beside Perry, and when your detractors will have long been forgotten your name will still shine brighter than ever."[2] Without attempting a comparison between the work of our two great sailor diplomats, it may be said that their treaties are the most notable successes of the American navy in the peaceful field of diplomacy.

The opening of Korea was the consummation of Shufeldt's diplomatic career. His government, however, had still one more important duty for him to perform, the inauguration of the work of constructing the new navy. From 1882 to 1884 he served as president of the Naval Advisory Board, which had this work in charge. He also served for a time as superintendent of the Naval Observatory. He was retired as rear-admiral in 1884, and eleven years later he died, in Washington.

CHARLES OSCAR PAULLIN.

WASHINGTON, D. C.

also correspondence in the Shufeldt Papers respecting the reception of the Korean embassy in Washington, in September, 1883.

[1] Quoted by John W. Foster, American Diplomacy in the Orient, p. 326.

[2] Commander N. H. Farquhar to Commodore R. W. Shufeldt, August 8, 1882, in Shufeldt Papers.

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SOME RECENT ADVANCES IN SOCIOLOGY

I. General Sociology

The elimination of old problems

NOT quite a decade ago, Professor Lester F. Ward, writing on "Contemporary Sociology,"[1] affirmed that the science was still in its analytic period; that there was a disposition to condemn all attempts at synthesis and that ideas put forth by leading sociologists seemed to have no affinity for one another. In summarizing the situation at that time he felt, therefore, that "the most he could do was rapidly to enumerate the principal systems or general conceptions of sociology." These were considered under the captions: sociology as philanthropy, anthropology, biology, political economy, the philosophy of history, the special social sciences, the description of social facts, association, the division of labor, imitation, unconscious social constraint, the struggle of races. These twelve "of the leading sociological conceptions or unitary principles that have been put forward with large claims, in the case of each, to being in and of itself the science of sociology," were compared by Professor Ward to "so many streams all flowing in a given direction and converging so as ultimately to unite in one great river that will represent the whole science of sociology."

Without questioning the implied conception of the science or the adequacy of the classification, it may be possible to discover some of the recent changes, if not advances, in sociology by inquiring how many of these topics now deserve notice. Certainly the first two are to be eliminated. Even the public has begun to differentiate between sociology and philanthropy. A new phrase, "social economy," has arisen to prevent further confusion. Anthropologists do indeed discuss general laws of social development, but in so doing they clearly consider themselves outside the immediate field of the special and concrete science of anthropology. On the other hand, sociologists enter the field of anthropology, like that of any other special science, for material. As to the so-called "anthropo-sociologists" mentioned by Professor Ward, the very name is becoming obsolete. The third topic, "sociology as biology," would hardly be treated now as an equivalent

[1] *American Journal of Sociology*, vol. vii, p. 476.

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phrase for "the organic theory of society"; nor would the statement be reaffirmed that among scientific sociologists the biological school, in this sense, is now the "most earnest, vigorous and aggressive." It is almost unnecessary to remark that the expression, "biological sociology," carries with it today ideas totally different from Professor Ward's conception. The fourth heading, "sociology as political economy," merely recalls an old controversy.

The passing of these problems, once the center of debate, does not mean necessarily that they have been completely solved. In many minds, as Professor John Dewey has pointed out:

> The conviction persists—though history shows it to be a hallucination—that all the questions that the human mind has asked are questions that can be answered in alternatives that the questions themselves present. But in fact, intellectual progress usually occurs through sheer abandonment of such questions, together with both of the alternatives they assume—an abandonment that results from decreasing vitality in their point of view.[1]

Thus it has been with the organic theory and the strife over the relation of sociology to economics. Philanthropy and anthropology, on the other hand, have withdrawn their claims to the title sociology.

The synthetic tendency

The eight remaining topics of Professor Ward's scheme appear to be as vital as ever. But the point of view has changed. Sociologists no longer attempt to erect any of these eight or any other single principles into complete systems. Although division of labor suggests Durkheim's name; imitation, Tarde's; unconscious social control, Le Bon's; the struggle of races, Gumplowicz's; nevertheless the suggestion is now of men who have placed special emphasis upon particular problems, not of men who have succeeded, even in their own estimation, in presenting complete explanations of social relations. As Professor Small remarked at the Providence meeting of the American Sociological Society: "Sociologists are agreed that it is no longer profitable to discuss the question whether this, that or the other is sociology." Sociologists are today at work upon specific problems. All are at work on some phase of the philosophy of history; all draw from the special social sciences; all find the description of social facts necessary; all study association; and all admit the explanatory value of division of labor, imitation, unconscious social constraint, the struggle of races and many other ideas

[1] "Darwin's Influence upon Philosophy"; *Popular Science Monthly*, July, 1909, vol. lxxvi, p. 98.

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which enable the investigator to evaluate the relative importance of the various antecedent conditions of any social effect. For these reasons it is perhaps safe to say that sociology has at least advanced out of the extremely intolerant analytic stage, and that only the appearance of a Marshall is now needed for the emergence of a fairly workable synthesis.

Not the least important of the influences tending to produce this hopeful condition has been the recent rapid increase in the number of sociological journals and societies. Within the past seven years sociological associations of national scope have arisen in the United States, England, Germany, Austria and Italy. New periodicals devoted to general or to special phases of the subject have appeared with surprising rapidity. The *Sociological Review*, the *Monatsschrift für Soziologie*, *Biometrika*, the *Archiv für Rassen- und Gesellschafts-Biologie*, the *Eugenics Review* are but the more prominent. Meanwhile, the older journals and associations of France, Belgium and Germany have not lessened their output. It would be impossible now to explain extreme variant types of sociological theory on the principle of isolation.

Evidences of the synthetic tendency in recent theory are not difficult to find. For example, the monumental three volumes of Guillaume De Greef, on *La Structure générale des sociétés*,[1] are a development of the proposition that "a social aggregate is the mass produced by the union of different elements, territory and population, united from the moment of their formation."[2] Any social aggregate is held to include a certain extent and quantity of inorganic and organic nature and a certain number of human units. De Greef thus insists that sociology must take account of all the factors—physical, biological and psychic—which play upon or are effective in any social aggregate. He does not hesitate to say that man alone is not sufficient to constitute a society. Society must include a correlative part of the physical environment. On this ground he criticises Mr. Herbert Spencer's theory that all social structure is determined by the nature of the constituent units. He remarks that this view is incomplete, inasmuch as it neglects the organic and inorganic factors that enter into the texture of societies. Spencer's theory, he thinks, creates an antinomy which really does not exist between one of the constituent elements of society and society itself. "Ten, one hundred or more human units," he says, "are by themselves alone incapable of forming a society without forming among themselves a combination into which there also necessarily enter in-

[1] Felix Alcan, Paris, 1908.

[2] *Op. cit.*, pp. 60, 62.

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organic, organic and psychic elements." Doubtless this somewhat arbitrary way of regarding a social aggregate as composed partly of the physical environment is open to objection as an undue extension of the term social. Other sociologists would probably prefer to speak of the physical environment as "an influence upon social relations" rather than as an integral part of a social group. From certain passages in De Greef's work, however, it is to be inferred that he takes this position chiefly to emphasize as strongly as possible the danger of taking a one-sided view of society.

Professor A. W. Small's *General Sociology*[1] is another evidence of the synthetic tendency. The aim of this treatise is, in the author's words, "not to exploit another competing system of sociology but to bring into view the field of knowledge which all sociologists have instinctively attempted to survey." As indicated by the sub-title, the book presents "an exposition of the main development in sociological theory from Spencer to Ratzenhofer." Though this correctly describes the chief part of the work, Professor Small nevertheless goes back of Spencer to begin his review. After explaining the gradual growth in past centuries of a body of knowledge of society, now properly classed as sociological, he criticises in turn the extreme interpretations that have appeared, *viz.*, the great man theory, the anthropo-geographical explanation, the ethnological view of history, the culture-history conception, the political, ideological and economic interpretations. Attacking the problem of method, he points out the positions of Comte, De Greef, Ward, Mackenzie and Gumplowicz, laying emphasis upon the elements common to each. He then proceeds to a more detailed account of Herbert Spencer, Schäffle and Ratzenhofer. This is followed by an analysis and comparison of sociological concepts found in the various writers, with the distinct purpose of showing that the differences among their ideas resolve themselves into (*a*) verbal variations, (*b*) differences in selection of points of attention, (*c*) different ranges of generalization included in the schemes. The author's own view is then advanced, that "our knowledge of sociology, *i. e.* our systematized knowledge of the human process, will be measured by the extent of our ability to interpret all human society in terms of its effective interests." Every desire which men betray can be analyzed, says Professor Small, into the following "interests," *viz.*, health, wealth, sociability, knowledge, beauty, rightness. Finally, after the relation of these interests to social forces and social structure has been explained, the book closes

[1] University of Chicago Press, 1905; xiii, 739 pp.

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with a review of the social process considered as a system of psychical and ethical problems.

It cannot be said that all the syntheses attempted by Professor Small are convincing. In particular it is difficult to discover wherein his own emphasis upon "interests" as the important starting point in sociological theory aids his effort to reconcile the theories of the writers whom he reviews. It is unfortunate, moreover, that in the relatively large amount of space accorded to the system of Mr. Spencer practically no attention should be paid to the important sociological generalizations that appear in volumes of the *Synthetic Philosophy* other than those entitled *Principles of Sociology*. Nevertheless, both in its purpose and in much that it actually accomplishes, the volume is a notable contribution to the synthetic movement.

Among other books that could be cited to prove the reality of this tendency to consider all the factors that determine social activity are M. M. Davis's *Psychological Interpretations of Society*,[1] E. A. Ross's *Foundations of Sociology*,[2] T. N. Carver's *Sociology and Social Progress*,[3] and W. I. Thomas's *Source Book for Social Origins*.[4] Professor Carver's volume gives an extremely useful selection of readings on the topics: (1) the nature, scope and method of sociology, (2) social progress and (3) the factors of social progress—physical, biological, psychic, social, economic, political and legal. Professor Thomas's choice of topics and authors is likewise discriminating. The readings are grouped under the general subjects: the relation of society to geographic and economic environment; mental life and education; invention and technology; sex and marriage, art, ornament and decoration; magic, religion, myth; social organization, morals, the state. A reasonably full bibliography of these topics is included.

Further proof that sociology is becoming synthetic might easily be given. It could be shown that sociologists are far more familiar now with the ideas of other writers in their own field than they were ten years ago; that they accord greater recognition than formerly to ideas other than their own; that when a sociologist now investigates a particular field or principle he takes pains to remark that he is not attempt-

[1] Columbia University Studies in History, Economics and Public Law, vol. xxxiii, no. 2; 260 pp.

[2] New York, The Macmillan Company, 1905; xiv, 410 pp.

[3] Boston, Ginn and Company, 1905; vi, 810 pp.

[4] University of Chicago Press, 1909; xvi, 932 pp.

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ing to write a complete explanation of society; that, finally, sociology has so well demonstrated its essential unity as to have received tangible recognition by leaders in other sciences. It will be more profitable, however, to review the progress made in particular fields; for advance in sociology has not been confined to the elimination of old problems, the foundation of societies and journals, the development of a synthetic tendency in theory and the attainment of greater recognition among the sciences. Sociologists, as was said before, are at work upon specific problems. Even De Greef's book, however much it may emphasize synthesis, illustrates this fact; for, as its title indicates, it is intended as a discussion of a special subject, the general structure of societies.

II. Special Problems in Sociology

Progress in particular subdivisions of sociology is not being made at a uniform rate. Under this head, therefore, little attention can be paid to the relative importance, in a general theory of society, of the topics discussed. Moreover, as no branch of the subject can rightfully claim precedence over another, the order of treatment can have no significance. For convenience, consideration of De Greef's book, regarded now as an analysis of the particular problem, social structure, will first be completed. Immediately thereafter will follow a review of recent advances made in other particular fields; especially (1) in the analysis of the relation of the physical environment to man and society, (2) the effect of biological laws in human society, and (3) the psychic factors in social action. This classification omits numerous subjects deserving notice; but the aim of this review is to summarize briefly what appear to be the most important advances.

Social structure

De Greef's work, *La Structure générale des sociétés*, is divided into two parts: (1) *La Loi de limitation;* (2) *Théorie des frontières et des classes*. Defining a social aggregate as a mass produced by the union of various territorial and population elements, united at the moment of its formation in a combination which is not exclusively material or biological or psychic but something more complex and special, De Greef notes that this aggregate has both an internal and an external equilibrium. The form and structure of both living and social bodies is a resultant of the equilibration of their internal forces with those of the exterior environment. Variations in form, however, are limited. Variation in the characteristics of the human race, for example, both physical and mental, are included within maxima and minima. Similar

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limitation appears in the distribution of all climatic, geographical, geological, botanical, biological and social groupings. The boundary line between two reciprocally limiting groups is not, however, a distinct line but is rather a zone of separation—a frontier. This is true of political groups and of social groups of every other type. Structural limits of groups are neither absolutely fixed nor, on the other hand, are they wholly unstable. The intermediate zone is not always a barrier. On the contrary, it is often the region of greatest inter-group activity. It is the task of the investigator of social structure to discover, inductively, the conditions fixing the limits of variability in time and space of such relatively stable groupings as may be discovered. No absolute results can be reached. Nevertheless social oscillations are always conditioned. The discovery of these conditions may lead to modification of social organization in such a way as to prevent excessive variations.

Under the guidance of these leading ideas, De Greef reviews the limitations placed upon man by the facts of each and every science in the Comtean hierarchy. Not content with this, he examines the social boundaries of primitive folk, of the ancient classical world, of European peoples, both mediæval and modern, and even those of the western world. The formation and limitation of classes and of social groups, treated according to the well-known seven categories of the same writer's *Introduction à la sociologie*, is discussed at length. A history and criticism of theories relating to the subject is also included, and a prodigious amount of historical material is drawn upon for illustration and partial verification of the positions taken.

Of the many important ideas advanced by De Greef several merit special notice. Contrary to the usual theory of political boundaries, for instance, De Greef affirms that there is no such thing as a natural frontier, physical or ethnic. Frontiers, even those delimited by the sword, however much they may follow geographic and ethnic lines, are purely social. So-called natural boundaries are merely the most convenient and striking landmarks for tracing political boundaries. Many political boundaries are mere lines of latitude and longitude. All are subject to change in accord with the direction of total equilibration of internal and external forces. Historically, war has been the principle method of bringing political equilibration to a climax, but resulting peace has not implied cessation of conflict.

Another leading idea is that, with increasing multiplication of social differentiations and relations, conflicts will increase in number but will tend to become more and more special and will thus render possible

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the intervention of superior collective force to prevent violence. As in the past the frontiers of tribes, clans, cities, kingdoms and empires have resolved themselves into limits of administrative districts, so will it be with present national frontiers. A world state is to be formed. The independence of nations will not be affected by the formation of such a state, for the present independent and sovereign character of nations is apparent only. All states are interdependent, and this interdependence conditions internal organization just as it is itself conditioned by the latter. Communication is the chief means relied upon by De Greef to produce the world state. From the earliest times, he points out, the great routes of communication have been extending social boundaries beyond political. This movement is to continue until there can be established a representative, legislative and executive parliament of the world. To this body are to be gradually delegated greater and greater collective functions.

This very brief outline gives little idea of the care with which the author has presented his theories in a work of nearly a thousand pages. The book, he tells us, embodies the results of numerous inductive studies and some 1800 lectures "*toujours nouvelles*" given between 1889 and 1906. His conclusions, he says, rest upon the widest observations possible for him to make personally as well as upon materials furnished by specialists whose works he has followed attentively. Nevertheless, Professor De Greef has not succeeded, apparently, in escaping the bias of his early intellectual environment. His wonderful prophecy of a world state seems but a reflection of the Marxian proclivities of his youth. The prediction appears to rest upon an assumption that a past tendency toward centralization will necessarily continue rather than upon proof that conditions throughout the world today are of such a nature that "contractualism" will prevail. For similar reasons the propositions for an international bank and currency and for the creation of an international directorate of neutral zones are hardly more than interesting suggestions. The practical steps toward realization of such ideas are not indicated. Nor has the author avoided the subtle influence of Belgium's peculiar problems. The prominence given to the principle "contractualism" suggests that the author's desire that European powers shall by agreement continue Belgium's independent position may have influenced his general theory. Indeed, the emphasis upon contractualism seems at variance with De Greef's fundamental position. Having shown that the modes of contact and interpenetration are determined by internal and external equilibration of forces largely beyond man's control, he seems to have magically

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transformed the word contact into contract, and he proposes that a world structure be erected on a rational psychological basis. The analysis is better than the superstructure.

In a sense, however, these faults are virtues. For De Greef's work is based upon vital personal contact with men and events. As Tarde's sociology reflects his experience as a judge; Gumplowicz's, the struggle of population groups in Austria-Hungary; Spencer's, his Nonconformist antecedents; so De Greef has incorporated in these volumes his own personality. What is lost in scientific detachment is gained in virility. The theory of frontiers and of classes may not admit of the conclusions drawn by De Greef; it is the outcome, nevertheless, of forces that he has witnessed actually at work in society.

For progress, then, in the special field of social structure, as well as for his insistence upon a synthetic method, sociology is deeply indebted to De Greef.

The influence of the physical environment on man and on society

The one most striking advance in this division of the study of society has been, doubtless, that of proving the wonderfully dynamic action of physical environment upon early civilizations. No more fascinating story has ever been written than that of the prehistoric civilizations of Anau—their origin, their growth, and the influence upon them of their environment—as narrated in the two-volume report of the Pumpelly expedition of 1904.[1] Passing the winter of 1864–65 in Irkutsk, the leader of the future expedition had learned of the slow shrinking of countless lakes on the plains north of the Aral Sea; and it then occurred to him that, if the vision were reversed, one looking back through time would see the lakes gradually enlarging and coalescing till in some remote century they might appear as a large inland sea.

> There seemed to me to exist [he says] a relation between the buried cities of the Tarim basin, the diminished pasturage and population of Mongolia, the vanished Han-hai (dried sea) of the Gobi, the shrinking of the lakes of the Aralo-Caspian undrained area and the overwhelming movements of barbarian hordes toward China and Europe. . . . Agassiz's beautiful theory of a polar ice-cap in the glacial period had already been established, and it seemed possible that climatic influences that could produce such continental accumulations of ice might also have caused the Caspian and the Aral to coalesce and expand to form a large inland sea, and that, with the passing away of the climate of the glacial period, there would neces-

[1] Explorations in Turkestan; Carnegie Institution Publications, 1908; xii, 324 pp.

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sarily begin the shrinkage of the sea and the progressive dessication of Central Asia. In such progress might be seen a resulting struggle for life lasting fifteen centuries, from the third century B. C., during which the peoples from an area as large as Europe, driven by nature from their home lands, drenched the soil of Asia and Europe with blood, gave dynasties to China and overthrew the Greek and Roman empires, recasting the whole racial and social complexion of the world.

In 1891, upon the discovery of certain shells of the glacial period in a position pointing to the existence of an inland sea in that age, this vision, which Pumpelly characterizes as hardly more than a dream, suddenly assumed the form of a legitimate hypothesis. In 1904 it was verified in many of its main features. The expedition, however, accomplished even more than this verification, for it brought to light a very large number of other hitherto unsuspected influences upon the evolution of the human race. For example, it was shown that Central Asia was, from one of the epochs of the glacial period onward, isolated from Africa and Europe, and that all its cultural requirements, except those which belong to the very lowest stage of human life, were necessarily evolved and differentiated within this region of isolation. Tracing the evolution of civilization backward to a time preceding the earliest dates at which Babylonian or Egyptian culture is demonstrable, when at Anau men already lived in cities, cultivated wheat and barley, began the domestication and breeding of the useful animals which are our inheritance and possessed the fundamental industrial arts, including a certain amount of metallurgical knowledge, the expedition succeeded in establishing the fact that the agricultural stage preceded the nomadic stage in Asia, and that before domestication of animals was accomplished mankind in Asia was divided sharply into two classes, settled agriculturists, on the one hand, and hunters who wandered within a limited range, on the other. The significant discovery was made, moreover, that the inhabitants of Anau had none of the usual weapons of stone for offense and defense. The most important feature of the expedition's work, however, from the sociological point of view, is the careful analysis made of the relation of the physical environment to these and other social facts. This chief result of the expedition can best be put in Pumpelly's own words:

What I wish particularly to emphasize is the conception that, in the intervention of the glacial period and its reaction on the inner-continental conditions, we must see the initial, the motiving factors in the evolution of the intellectual and social life of man. Shut off from the periphery of Asia and

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from other continents, while still in a low stage of savagery, we see him gradually broken up into smaller groups which are forced into isolation on habitable oases, which are the growth of differentiated but fundamentally related cultures. Lastly and most important of all to us, we see here man under the spur of necessity building, in village communities, in agriculture and in the essential industries, the foundations of civilizations, to the relation of which upon each other and upon cultures evolved later on the Nile and in Mesopotamia and on the Mediterranean we owe the understructure of modern civilization.

It is to a member of this expedition, Mr. Ellsworth Huntington, that sociology is indebted for a still more generalized treatment of the effect of the physical environment on man and society. Under the felicitous title of *The Pulse of Asia*,[1] Mr. Huntington has both recorded his experiences in the center of the great continent and has attempted, as he says, to "combine various hypotheses, hitherto unrelated, into a single consistent geographic theory of history." In a hundred different concrete examples he traces the direct and indirect effect of temperature, wind, altitude, dessication, soil, isolation and other physical conditions upon the present and the past inhabitants of the vast region covered in his journey. Particularly interesting is his suggestion that many social traits of Asiatic peoples may be traced eventually to the necessary interdependence of men who, in the earliest period of civilization, lived for centuries on small oases that could sustain their inhabitants only by irrigation systems. Present conditions among peoples in a similar environment, he thinks, reproduce many features of the more primitive periods. To-day the Chanto peasant, for instance, when once his grain has been sown and watered, has little anxiety, for he knows that however bad the season the increasing flood will at least support the fields upon which he mainly depends. Unless also a shepherd, he has no reason to travel. There is nothing to tempt him beyond his small oasis; nothing to awaken him or arouse him to determined effort. And so, year after year and generation after generation, the Chanto goes his care-free monotonous way and grows gentle and mild and weak of will. It is in this vivid fashion that Huntington reinforces his three chief conclusions: first, that not only the habits but to a large extent the character of the people of Central Asia appear to have been moulded by physiographic environment; second, that during historic times climate, the most important factor in the environment, has been subject to notable changes; and, finally, that the changes of climate have caused corresponding changes not only in the distribution of man but in his occupations, habits and even character.

[1] Boston and New York, Houghton, Mifflin and Company, 1907, xxi, 415 pp.

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In a final chapter on the geographic basis of history, he suggests that the changes of climate that have produced such important social effects in Asia have probably not been confined to that continent. Even modern European history is yet to be interpreted in terms of a dynamic physical environment. In view of these generalizations it is not surprising to find Mr. Huntington attacking many hitherto firmly established ideas. He holds, for instance, that civilization has advanced from south to north rather than from east to west. Again, contrary to the general belief that the civilized man of to-day finds the conditions of progress in a fairly moist and cool climate, whereas the pioneers of civilization found them in a dry, warm climate, Huntington boldly maintains that mankind, since the race first gained the rudiments of civilization, has always made the most rapid progress under essentially the same climatic conditions. These conditions are that summers must have warmth and rainfall enough to insure harvests but not to produce enervation; that winters must be cool enough to be bracing but not deadening, and that the environment must necessitate forethought. Clear, dry air and high barometric pressure are held to be subsidiary favorable conditions. The evidences of climatic changes found in the old world, Mr. Huntington says, appear to render it probable that these conditions have prevailed in each of the great countries of history at the time when it has risen to the highest degree of civilization and power. However much races may differ in ideals and type of civilization, their degree of will-power and energy and their capacity for making progress and for dominating other races is largely an effect of the physical environment in which they dwell.

Such are some of the far-reaching sociological generalizations advanced by an observer whose study of climatic changes, in the words of Professor Ward of Harvard, "is one of the most thorough ever made, for the evidences of archæology, of tradition, of history and of physiography have been carefully matched and found to accord in a very striking manner." Of the facts there can be no question. How many of the generalizations will prove valid, however, and how far they will be sustained, only a vast amount of future scientific work can determine. A note of caution is perhaps intended in Professor Ward's admirable text-book on climate,[1] in a passage in which he admits that changes of climate in the geological past are known with absolute certainty to have taken place, but nevertheless states that, "without denying the possibility or even probability of the establishment of the fact of secular changes [in climate], there is as yet no sufficient warrant for believing in considerable permanent changes over large areas."

[1] R. De C. Ward, Climate, New York, G. P. Putnam's Sons, 1908, 372 pp.

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As to the effects of climatic changes more may be known if further investigation is made on the plan pursued by Dr. E. G. Dexter some years ago in his monograph upon *Conduct and the Weather*.[1] The method therein adopted of studying the influence of various meteorological conditions upon the conduct of school-children, upon the occurrence of crime and suicide and upon the number of errors made by bank clerks, if applied to a sufficient number of cases in different places, might well lead to valuable and perhaps surprising results. Even in his short essay Mr. Dexter has shown clearly that, although, as is popularly believed, in damp and muggy weather man supposes himself ready to do all sorts of evil things, in reality he does not do them. There is no surplus energy to spend in doing anything either good or bad. Dry weather, on the contrary, stimulates the vital processes and creates surplus energy, for good or ill as the case may be. In Denver, for instance, Mr. Dexter shows that when dryness becomes extreme or is accompanied by wind, the amount of crime increases enormously.

When, by similar methods, the effects of temperature, moisture, wind, barometric pressure and electricity upon the mental processes of the individual are more thoroughly studied, perhaps generalizations upon the social effects of climate may become more certain. The results already attained by the Pumpelly expedition, by Huntington and by Dexter are but the first fruits of an almost limitless future harvest in this branch of sociology. Nevertheless the shade of Montesquieu may well rejoice over the advances already made.

The effect of biological laws in human society

It is a striking tribute to the influence of Mr. Herbert Spencer that, in a period when the work of Charles Darwin was revolutionizing every department of thought, when Bagehot was publishing *Physics and Politics or Thoughts on the Application of the Principle of Natural Selection and Inheritance to Society*, when Kidd's *Social Evolution* was stirring the religious world, when Haeckel was issuing *The Riddle of the Universe* and when Galton was demonstrating the importance of heredity and selection in the human race, the term biological sociology should have been restricted by many sociologists to that peculiarly unfruitful body of work which resulted from the elaboration of Mr. Spencer's organic theory. This usurpation of its proper title, however, has retarded but little that department of science which in-

[1] Columbia University Contributions to Philosophy, Psychology and Education, vol. 5, no. 1; 105 pp.

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vestigates the extent to which biological factors, such as heredity, natural and sexual selection, the struggle for existence, the competition of types, are effecting important changes in human society. Advancing from a conception of the struggle for existence as a conflict among individuals for the means of subsistence to the more adequate view that competition of any sort and for any object which changes death or birth rates of different hereditary types is a means of natural selection, sociologists of the true biological school have been examining with increasing care the innumerable social influences which tend to change the non-acquired characteristics of social groups. The pioneers in this field, as is well known, were Galton in England, Schallmeyer in Germany and Steinmetz in Holland. More recent contributions to the subject have been published in the *Archiv für Rassen- und Gesellschafts-Biologie*, in *Biometrika*, in the London Sociological Society's papers, in the *Sociological Review* and in the *Eugenics Review*. To a considerable extent the movement is practical rather than scientific. The address of Mr. Francis Galton at the first meeting of the London Sociological Society—an address to the stimulus of which much of the recent activity in this field is to be attributed—was frankly an appeal for systematic inculcation of "eugenic" doctrines, that is, doctrines which are intended "to cause the useful classes in the community to contribute more than their proportion of descendants to the next generation." By dissemination of a knowledge of the laws of heredity, by historical inquiry into the rates at which the various classes in society (classified according to civic usefulness) have contributed to the population at various times in ancient and modern nations, by systematic collection of facts showing the circumstances under which large and thriving families have most frequently originated, by study of influences affecting marriage and by persistence in setting forth the national importance of eugenics, Mr. Galton hopes that definite influences for human advance will be set in motion. To further the movement, Mr. Galton has himself founded a fellowship for research in eugenics. Working under the guidance of Professor Karl Pearson, Mr. Edgar Shuster, the holder of this fellowship, has already issued, under the title *Noteworthy Families*,[1] an interesting study largely confirmatory of similar work presented in Galton's *Hereditary Genius*. To Mr. Shuster, furthermore, and to Mr. Heron and Professor Pearson are to be credited statistical studies showing, by the latter's method of correlation, the degree of inheritance of deafmutism, insanity and susceptibility to pulmonary tuberculosis. These are but the most recent of a long series of mathematical contributions to the theory of evolution

[1] London, J. Wurray, 1906, xlii, 96 pp.

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which Professor Pearson and his associates have been publishing at intervals, since the *Grammar of Science* appeared, in the *Philosophical Transactions of the Royal Society* and in *Biometrika*. In Germany the movement has found its chief organ in the *Archiv für Rassen- und Gesellschafts-Biologie*.

The psychic factors in social action

The preceding review has shown advance in the explanation of certain social facts in terms of antecedent physical and biological circumstances. It is no less true that important achievements have been made in the analysis of the psychic conditions which regularly precede, accompany or follow social action. At least four problems of particular interest in this field have lately received special attention. These are: (*a*) the subjective causes of association; (*b*) the mental characteristics of man that are of primary importance for his life in society; (*c*) the psychological interpretation of various forms of association; (*d*) the constraining effect of society upon the individual.

(*a*) *The subjective causes of association*

For the formulation of results in this field one naturally looks to works entitled "social psychology." Of the two books recently issued under this caption, however, neither adequately discusses the advances in this subject. Indeed, that written by Professor Ross[1] does not aim to do so, for its chief purpose is to analyze the processes by which intermental influence is exerted rather than to inquire into origins. That by Mr. William McDougall,[2] of Cambridge University, follows the traditional method of explaining society by positing various "instincts" of fear, anger, self-assertion, reproduction, gregariousness *etc.* To ascribe social action to "instincts" of various sorts is, however, but a confession of ignorance. The origin and conditions of excitation of functionings such as McDougall classes as instinctive must be accurately and quantitatively determined before the reference of a social effect to an instinct becomes of much scientific value. This is not to decry as useless for sociology a careful study of what are sometimes loosely termed instincts. To doubt that the individual is by nature endowed with complex instincts of flight, curiosity, repulsion, gregariousness, acquisition and construction—to employ some of Mc-

[1] E. A. Ross, Social Psychology. New York, The Macmillan Company, 1908; xvi, 372 pp.

[2] William McDougall, An Introduction to Social Psychology. London, Methuen and Company, 1908; xv, 355 pp.

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Dougall's terms—is not to deny that through repeated response to similar stimuli an organism develops complex types of reactions that become almost automatic. It is of considerable importance for sociology that quantitative determination be made of the relative contribution made by stimuli and by the hereditary characteristics of the responding organism in such complex reactions as those discussed by McDougall. Whatever confusion there may be from the point of view of psychology, however, in the use of the terms "instincts" by McDougall, "desires" by Tarde and "interests" by Ratzenhofer and Small to denote various regular types of response in the presence of certain stimuli, sociology requires only to know the relative importance of each type of response under the various conditions of stimulation present in society. This implies that instead of "explaining" conflict by "an instinct of pugnacity," society by "an instinct of gregariousness" or referring all human activities to the operation of certain "interests," sociology must develop a quantitative analysis of all general and recurring types of stimulation and response in human society. For the practical resemblances and differences among individuals, out of which association, conflict and agreement arise, are themselves the result of repeated response to stimulation. The wealth and weakness of a neighboring group may be a much better sociological explanation of conflict than an "instinct of pugnacity" in the aggressor. Continued flourishing of the big stick, on the other hand, may reduce that instinct to a negligible quantity.

That the hope of attaining fairly accurate measurements of general types of stimulation and response is not vain, however, appears from certain very recent developments; for example, from Professor Benini's recent demonstration that in certain cases it is possible to obtain a numerical value for the efficiency of consciousness of kind. The brilliant results attained by Galton, Pearson and others in the solution of complex biological, psychological and anthropological problems through the use of the curve of error, the various methods of correlation and other statistical devices are not likely to remain unrivalled in the field of sociology.

(*b*) *The mental characteristics of man that are of primary importance for his life in society*

For assistance in both qualitative and quantitative analysis of the individual's instincts and desires in the presence of given stimuli, sociology turns to psychology; and that science has not been found wanting, for within the past decade genetic psychologists in particular have

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raised a question which, if settled in the negative, is likely to aid materially in the solution of certain vexed problems of sociology. This question is: Do the higher animals imitate? Ten years ago Professor Thorndike stated the problem in his little monograph on *Animal Intelligence*. To-day such men as Cole, Berry, Kinnman, Mills, Hamilton, Carr, Watson, Davis, Clark, Yerkes and others are attempting to decide it by the laboratory method. Experimenting on cats, dogs, chickens and subsequently on monkeys, Professor Thorndike seems to have established that however carefully members of these species are led to observe the useful acts of others of their own kind, all, with possibly the partial exception of the monkeys, fail to repeat such acts for their own benefit. It is not necessary here to review the evidence nor the progress of the debate. The extreme importance to sociology, however, of verifying the hypothesis that the higher animals do not imitate is evident upon the least reflection. For imitation is certainly one of man's characteristics. If his progenitors, not far back in the phyletic series, did not imitate, it follows that at some period in his evolution man alone of all the social animals acquired this faculty. If this be so, is there need of further explanation of the undoubted gap that exists between man and the higher animals?

Furthermore, if Professor Thorndike's contention be true, an adequate reason is assigned for the oft-repeated but heretofore somewhat dogmatic assertion that as soon as man's intelligence developed his progress became far less dependent on biological than on psychic conditions. When man's intelligence included ability to imitate, any advantage in the struggle for existence gained for an individual by his discovery of a new means of controlling nature immediately raised the value of the discovery as an aid in the struggle for existence at least as many times as there were members of the imitating group. With the presence of ability to imitate, any important invention, such as the discovery that cultivation increased the productivity of plants, must have multiplied enormously the ability of the primitive group to maintain itself as a group. Granted an occasional new invention of importance, it was evidently possible, after the ability to imitate appeared, for considerable biological deterioration to occur without lowering the group's power to maintain its existence. To what extent such deterioration could occur without lessening ability to invent is another matter. It is clear, however, that the sum total of surplus energy of modern civilized nations, over and above that necessary for self-maintenance, has been increased so tremendously by invention and imitation that the slow processes of biological deterioration, if present,

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can have relatively little effect in reducing the survival potentiality of great groups of mankind. If the great increases of population during the past century have not developed marked biological deterioration, there is little cause for supposing that even several centuries of breeding from stock below the normal would greatly impair man's progress; for progress in the higher values of life may occur in spite of considerable deterioration on the biological side. Indeed, if Professor Thorndike's hypothesis is verified, we might even admit that there may have been continual biological deterioration ever since the ability to imitate appeared, without thereby denying the fact of progress.

Such considerations as these suggest that, during the ages since the imitative ability arose, human society has accumulated too great a "margin of safety" for a few centuries of that progressive biological degeneration so feared by certain members of the eugenic school to have any very serious effects on progress.

(*c*) *The psychological interpretation of various forms of association*

Professor C. H. Cooley's *Social Organization: A Study of the Larger Mind*,[1] is the latest contribution in this division of social psychology. In a former book, *Human Nature and the Social Order*, Professor Cooley tried "to see society as it exists in the nature of man and to display that in its main outlines." In this book his attention is focused "on the enlargement and diversification of intercourse which is called social organization—the individual though visible remaining slightly in the background." Distinguishing three aspects of consciousness: self-consciousness, or what I think of myself; social consciousness (in its individual aspect), or what I think of other people; and public consciousness, or a collective view of the foregoing as organized in a communicating group—all three being phases of a single whole—Professor Cooley, in this work, analyzes the way in which public consciousness arises and develops and how it reacts upon the mental life of the individual. In the "primary groups" of family, playground and neighborhood he discovers the "nursery of human nature." Social ideals, later to be developed in more complex social groups, are here originated. Effective team-play, the purpose of all social organization, is learned in the primary groups. Here, too, are evolved ideals of loyalty, lawfulness, freedom, honor, trust, kindness and justice. On a large scale these ideals are embodied in those of Christianity and democracy. At this point Professor Cooley raises the query: Why is it that these ideals

[1] New York, Charles Scribner's Sons, 1908; xvii, 426 pp.

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are not realized in the larger social groups? The answer is that social organization on a large scale is difficult. Increasing facility of communication is indeed rendering possible an organization of society based more and more largely on the higher faculties of man, on intelligence and sympathy rather than on authority, caste and routine; public opinion is becoming an efficient engine for organized attainment of social purposes; democracy is advancing; but, in spite of all this, classes and castes exist and are hindering the realization of the ideals of the primary group in society at large. Both the principle of inheritance and that of competition engender classes or castes, and castes mean restriction of opportunity. Nevertheless society can dispense with neither principle. Voluntary social organization, to keep these principles in check, will preserve freedom. In particular the ill-paid classes in society require this means of defense. Hostility among classes engendered by such organization is to be modified by freer discussion of grievances. Nevertheless, organization must not be allowed to crystallize into formalism and institutionalism in its worst sense. Otherwise social disorganization and loss of freedom will result. Organization, even that of the family and church, must be plastic. Political democracy plus social and economic oppression is fairly sure to equal state socialism, because men will look to political control as a refuge. But if general conditions are free and open, men will be the more sensible, by contrast, of the unfree aspects of activity directed and controlled by the state. Freedom is to be sought in a more effective public will, based not upon greater governmental activity but on "the growing efficiency of the intellectual and moral processes as a whole."

In this concrete fashion does Professor Cooley deal with the psychic factors that are moulding the forms of association in the modern world. The practical value of such a work, abounding in definite suggestions for efficient methods of realizing ideals through better social organization, is apparent. Its pertinent criticisms of organizations now existing go far to justify the claim that sociology is in reality beginning to attain its prime end, the rational criticism of public policy.

Diametrically opposed, in method, to the work of Professor Cooley is that of Professor Georg Simmel[1] of Berlin, who attacks essentially the same problem, social organization, in a highly abstract manner. Conceiving of society as a psychic interrelationship among a plural number of individuals, Professor Simmel has set himself the task of

[1] *Soziologie*, Leipzig, Duncker & Humblot, 1908; 783 pp. Translations of a number of the essays embodied in this work have been published from time to time in the *American Journal of Sociology*.

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investigating the various types or "forms" which interrelationship or socialization (*Vergesellschaftung*) may assume. These forms are innumerable. Upper and lower classes, competition, imitation, division of labor, formation of parties, representation, simultaneity of inclusion and exclusion are types of association that occur irrespective of the purpose for which any given group exists. They occur in political, religious, convivial, industrial, technical and countless other associations. The problem is to show what relationships among men necessarily result when association assumes a given form or type. For example, competition is a form found in politics, industry, religion, art and many other fields. Out of the concrete facts presented in these fields are to be gathered the meaning of competition, under what conditions it arises, how it develops, what modifications it undergoes through diversity of objects, through what similar formal or material limits of a society it advances or retreats, how competition of individuals differs from that among groups. The task is, in short, to discover, through a study of its similarities in various fields, what competition is as a form of relationship and what are its laws. In like manner are all other forms of association to be treated: development of parties; origin of classes, circles, secondary sections of larger groups; the growth of hierarchies; groups not thoroughly organized; the poor as organic members of society; the numerical fixity of group elements; the effects of the "crossing of many circles" in a single personality; the rôle of secrecy in the development of groups; the modification of groups in accordance with the inclusion or exclusion of antagonistic elements.

Briefly to summarize Simmel's conclusions with respect to the various "forms" which he discusses is impossible: they are too detailed. Indeed, it is perhaps questionable whether he has reached any general conclusions. His analyses of particular cases are keen, but it is difficult to determine how far these analyses yield any generalizations. As he himself says:

> One cannot take single examples of sequences and hold them valid for all social forms, as one can hold a geometrical proposition universally valid. . . . The idea of what is form and what is content is often haphazard. . . . Whether the phenomenon "the poor" is a sociological form—that is, a result of formal conditions within a group conditioned by the general streaming and jostling in which man necessarily develops socially—or whether poverty is to be regarded as merely a material limitation on certain individuals—on these points opposite opinions are possible.

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Professor Simmel maintains that the study of the forms of socialization should be based on inductive treatment of historical material. No such substantiation of his conclusions, however, is visible in the present work. Moreover, as Professor Eleutheropulos[1] has pointed out, what little use of historical matter there is can hardly be termed accurate in every instance. The concrete method of Professor Cooley has greater pragmatic value.

(*d*) *The constraining effect of society upon the individual*

If asked why they act in a certain way in certain cases, primitive people, says Professor Sumner in his *Folkways*,[2] always answer that it is because they and their ancestors always have done so. The operation by which "folkways" are produced consists in frequent repetition of petty acts, often by great numbers acting in concert, or at least acting in the same way when face to face with the same need. The folkways are unconscious, spontaneous, uncoördinated. It is never known who led in devising them. As time goes on they become more and more arbitrary, positive and imperative. By habit and custom, they exert a stress on every individual within their range. The folkways are thus a means by which society exerts a constraining effect upon the individual. Taking this as his central theme, Professor Sumner has carried the analysis of usages, manners, customs, mores and morals back to particular acts that, through suggestion and imitation, develop into "societal" forces. Reinforced by deference to the experienced members of society and a stubborn adherence to tradition, these forces become sufficiently coercive to direct society along fixed lines and strangle liberty. Though often founded on false inferences, the folkways are always "right" and "true." They ultimately develop into doctrines of welfare, philosophical and ethical. Through them a vast number of actions become "taboo." On the other hand, through them a vast number of "ideals" have arisen in every age. It is as if men had blown bubbles into the air and then, entranced by their beautiful colors, had leaped to catch them. The logic of one age differs from that of another, and all the errors of the mental processes enter into the mores of each age to become authentic through tradition. Men have turned their backs on welfare and reality, in order to pursue beauty, glory, poetry and dithyrambic rhetoric, pleasure, fame, adven-

[1] *Monatschrift für Soziologie*, June, 1909, pp. 438 *et seq.*

[2] W. G. Sumner, Folkways: A Study of the Sociological Importance of Usages, Manners, Customs, Mores and Morals. Boston, Ginn and Company, 1907; vi, 692 pp.

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ture and phantasms. Each age, nevertheless, by rude methods of correction and purification, modifies the mores in a more or less rational way. Thus have developed ethical principles (truthfulness, love, honor, altruism) which no civilized man would now repudiate. The mores finally become consistent with each other. They then develop a particular social apparatus or set of functionaries for self-perpetuation and become institutions. Rules are adopted. Finally "enacted institutions" are produced by rational invention and intention; society seeks to control itself by laws; "right" is opposed to might. This argument Professor Sumner reinforces at every step by citation of an amazing mass of concrete instances drawn both from primitive and modern societies. The folkways and mores of slavery, infanticide, cannibalism, marriage rites, celibacy, asceticism, amusements and education are thus discussed, until the query suggests itself whether the individual is, in fact, anything more than an automatic instrument obeying dead ideas. This depressing effect of the book is relieved, however, by the suggestion that under the leadership of the more enlightened classes in society the mores which control the masses may be modified in the direction of social welfare.

Much more hopeful in tone is Professor Ross's treatment of social control, in his book bearing that title, and in his more recent *Social Psychology*.[1] Professor Ross recognizes quite as fully as does Professor Sumner that suggestibility, imitation, fashion, conventionality and custom dominate a large part of the individual's activities. He points out, however, that adherence to customs found useful in the past is, in many instances, a rational process; that discussion changes opinion, at times, and is fruitful. In his *Social Psychology*, after analyzing with acumen the constraining effect of emotions that arise in a crowd, he devotes a chapter to "prophylactics against mob mind." Moreover the earlier volume, *Social Control*, is devoted almost entirely to a discussion of that social domination which aims to attain beneficent results and which fulfils a recognized need. Upon the utilization of suggestibility, it is therein held, rests the whole modern policy of founding a social order on education. An older policy had utilized the same means in religion and in the conscious manipulation of beliefs and customs. Professor Ross has even ventured to divide the instruments of control into two classes: (1) *ethical*, those arising in sentiment rather than utility, such as public opinion, suggestion, personal ideal, social

[1] E. A. Ross, Social Control. New York, The Macmillan Company, 1901; 463 pp. Social Psychology. New York, The Macmillan Company, 1908; xvi, 372 pp.

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religion, art; (2) *political*, those that are deliberately chosen, such as law, belief, ceremony and education. The prominence of the one or the other group in the regulative scheme, he holds, will depend on the constitution of society. The political instruments, operating through prejudice or fear, will be preferred: (1) in proportion as the population elements to be held together are antipathetic and jarring; (2) in proportion to the subordination of the individual will and welfare to the scheme of control; (3) in proportion as the social constitution stereotypes differences of status; (4) in proportion as the differences in economic condition and opportunity it consecrates are great and cumulative; (5) in proportion as the parasitic relation is maintained between races, classes or sexes. On the other hand, the ethical instruments, being more mild, enlightening and suasive, will be preferred: (1) in proportion as the population is homogeneous in race; (2) in proportion as its culture is uniform and diffused; (3) in proportion as the social contacts among the elements of the population are many and amicable; (4) in proportion as the total burden of requirement laid upon the individual is light; (5) in proportion as the social constitution does not consecrate distinctions of status or the parasitic relation, but conforms to common elementary notions of justice. In general Professor Ross holds that statecraft is taking the place of folkcraft.

If the data presented in the foregoing review are in any sense representative, it is perhaps possible to draw from them as a whole at least one important generalization. They appear to show that sociologists are now investigating the problems of their science, rather than discussing its fundamental concepts or its scope and its methods. If this be so, the outlook for the future is bright: sociology will be justified by its works.

ALVAN A. TENNEY.

COLUMBIA UNIVERSITY.

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REVIEWS

The Southern South. By ALBERT BUSHNELL HART. New York and London, D. Appleton and Company, 1910.—445 pp.

For Northerners who wish a clear, complete, compendious and unbiased account of the facts and opinions that dominate Southern life today, this is the best book known to the reviewer. *A priori* Professor Hart would hardly have occurred to one as the American scholar most likely to produce such a work. A pre-natal abolitionist, born in the Western Reserve and associated for most of his life with the intellectual ideals of Cambridge, Massachusetts, he would have been presumed to lack at least that sympathy and tolerance that are so indispensable to a fair and fruitful analysis of Southern social conditions. His work manifests, however, precisely these essential elements. The cool emotionless collection and handling of facts by the trained historian is tempered by the large-minded patriot's consciousness of and respect for the feelings that lie behind the facts. Nothing but praise can be awarded to the spirit in which Professor Hart has achieved his task.

The substance of his achievement consists in a description of the social classes and conditions and of the salient factors in the economic development of the typical—the "Southern"—South. The data are taken from familiar statistical sources, familiar literature and a considerable amount of direct personal observation. There is no pretense of any startling discovery. The distinction of the study is in its estimate and interpretation of the well-known. Wealth, industry and education are examined, and the facts and opinions relative to these matters are subjected to temperate and discriminating analysis and criticism. Professor Hart's consideration of these various aspects of Southern life leads straight every time, however, to the one great and overshadowing feature—the race problem. This constitutes the backbone of his study. That such is the case is the strongest testimony to the scientific validity of the volume. There still persists in some Northern circles, among the survivals of ante-bellum abolitionism, the idea that there is no real race problem, that what passes for such a problem is merely the exhibition of total depravity by some Southern whites who sin against the light. If the people who minimize the importance of the race problem ever read Professor Hart's book, longer

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adherence to their delusion will be indeed a sinning against the light. Nothing could be more impressive and convincing than the inevitable trend of his discussion, on every topic of Southern life, toward the relation of the races as the controlling factor both in present conditions and in prospects for the future.

Perhaps the most satisfactory evidence of Professor Hart's sanity and poise is that he has no ready-to-wear solution for the ills of the South. Her problem he sums up thus:

> How twenty million whites and ten million negroes . . . shall make up a community in which one race shall hold most of the property and all of the government, and the other race shall remain content and industrious; in which one gets most of the good things of life and the other does most of the disagreeable work; in which the superior members of the inferior race shall accept all its disadvantages; in which one race shall always be at the top and the other forever at the bottom; yet in which there shall be peace and good will. . . . [page 340].

This statement of the case involves certain presumptions that might be controverted. The "good things of life," for example, and "disagreeable work" imply a common standard for the two races. What if one race found the supremely "good" thing in the unmolested possession of a watermelon on the sunny side of a board fence and felt all effort to be "disagreeable," while the other race found "good" only in mastery over inanimate nature and over men and felt keen zest for any effort that promised that end? Without too refined a scrutiny, however, of Professor Hart's summary of the problem, we must admit that it suggests very clearly the scope and difficulties of the issues involved. As to a solution, he rejects "every positive and quick-acting remedy," and recommends only that which is no remedy, "patience" (page 393). There must be, he believes, increasing effort for the moral and material uplifting of both races, but no one can say what is going to be the outcome. This is not a pleasant conclusion, but it is one that is appallingly near the truth.

One of the most satisfactory features of Professor Hart's study is his unqualified condemnation of miscegenation. It is not rare to hear in the North a cynical pseudo-philosophy that says: The mixture is bound to come; no blame to the Southern whites for opposing it, but there is no use in their struggle; nature will beat them. With such a spirit Professor Hart has no sympathy. He is no less positive than the most ardent Southerner that race purity must be preserved, and he approves strong measures to secure this end. With obvious sarcasm he suggests

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that the laws against inter-race illicit intercourse be as zealously enforced as the Jim Crow laws. The practices that keep up the mulatto element he very properly condemns without reserve. He does not say, though it is perhaps implied in his text, that illicit amalgamation will come to an end only when the negro woman receives the advances of a white man with the same feelings with which the white woman now receives the advances of a negro man. The time that must elapse before this situation shall prevail is probably the best attainable measure of the nearness of a "solution" of the race problem.

WM. A. DUNNING.

A Documentary History of American Industrial Society. Edited by JOHN R. COMMONS, ULRICH B. PHILLIPS, EUGENE A. GILMORE, HELEN L. SUMNER and JOHN B. ANDREWS, with preface by RICHARD T. ELY and introduction by JOHN B. CLARK. Volumes I, II: *Plantation and Frontier, 1649–1863.* Selected, collated and edited with an introduction by ULRICH B. PHILLIPS. Cleveland, Ohio, The Arthur H. Clark Company, 1910.—375, 379 pp.

Among the phases of the development of the United States hitherto neglected by historians none better illustrates our chief contribution to the welfare of mankind than the story of the working class. In a country founded by seekers after new homes in a new world, evoking the energies required for the struggle with the wilderness and inspiring the ideals that an exploitation of natural resources calls forth, the origin, training and ambition of the American people have produced the man of business as its essential type. For two reasons that are easy to understand our historians have not acknowledged this fact. Yielding obedience to conventional standards of what is worth while in history, they have written much about the exceptional that may conform to accepted ideas of the heroic and picturesque and little about the characteristic that may suggest the commonplace and obscure, or they have been restrained by the lack of accessible sources of information on matters that savor not of politics and war. Any investigator, indeed, might well feel appalled at the thought of looking for records long considered unworthy of deposit in public archives or at least unfitted for scientific use.

It is just this sort of ignored and unknown material, illustrative of agriculture, industry, commerce and labor in general, which the American Bureau of Industrial Research has undertaken to provide since its organization in 1904. Part of the huge collection of documents, pamphlets and other records that it has gathered for its proposed history of

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American industrial society is to appear in ten volumes, of which the two under review are the first instalment. These in particular describe the economic relations engendered on plantation and frontier between 1649 and 1863, whether incidental to slavery or to the avoidance of slave competition through westward migration, protective legislation or trade union. The third and fourth volumes of the series, dealing with labor conspiracy cases between 1806 and 1842, will explain the growth of legal doctrine in economic concerns and describe the industrial conditions as pervaded by an awakening consciousness of the wage-earning class during that period. The remaining six volumes, bearing the title of "The Labor Movement," will portray the efforts of free labor to adjust itself to the social, industrial and political environment that developed about it between 1820 and 1860.

As Professor Ely remarks in his preface (volume 1, page 31), the collection of these materials "is more than a mere antiquarian pursuit, it is a prerequisite for interpreting the truly urgent and menacing problems of today." In appreciation of this fact, the documents presented have been chosen and arranged so as to show the increasing importance of the labor question. Should the wealth of evidence offered in the two initial volumes be a reliable indication of what is to follow, an energetic impulse will be given to the study of those industrial activities of the American people which supply the most accurate measurement of its progress and determine with greatest certainty its particular share in the advancement of civilization.

For the breadth of view, accuracy of statement and completeness of information that they convey, no epitomes of the industrial history of the United States known to the reviewer can take rank with the general introduction by Professor Clark and the special introduction by Professor Phillips. Anticipitating at many points the documentary material that follows, they invite the reader to test the truth and sufficiency of their assertions directly from the sources. A high degree of praise is due to Professor Phillips in particular for the scholarly care with which he has selected and arranged the collection, illustrative as it is of almost every possible phase of industrial life in the South for upwards of two hundred years. Among such phases in the first volume are the management, routine work, topography, equipment, supplies, factorage and products of the plantation, the activities of overseers and certain miscellaneous features of indentured labor. In the second volume, slave labor, the slave trade, fugitive and stolen slaves, slave conspiracies and crime, negro qualities, free persons of color, "poor whites," immigrants, migration, frontier settlement, industry

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and society, manufacturing, the public regulation of industry and artisans and town laborers are the topics exemplified.

In spite of the scope and variety which this enumeration indicates, the great bulk of the descriptive material relates wholly to conditions in the area south of the Ohio River and, for the most part, east of the Mississippi. While natural and proper in the case of the plantations, such a geographical delimitation of treatment excludes from consideration other and larger areas in which the farm, as distinguished from the plantation, and the frontier with its environment may be studied to greater advantage than in the South alone. Since the period chosen for illustration extends far beyond the beginnings of the development of the vast territory to the north and west, it might be expected that adequate reference would have been made to the industrial situation in that section of the country. The farm and plantation system and the economic circumstances affecting the advancement of the frontier as they were visible in the South may have been characteristic of the Union at large, but only within certain definite limits of time and space, for they necessarily have some relation near or remote to slavery. The industrial growth of the great Northwest and the course of expansion to the Pacific, free (except in a political sense) from the restrictions of slavery, dealing with a different set of conditions, promoted by a different class of people and producing a different sort of commodities, ought not to be passed over. It is possible that the later volumes in the series may fill the gap; if not, the assumption that what was found in the South was, for all practical purposes, sufficiently true of the remainder of the United States can be defended only on the plea of the serious difficulties that must attend the composition of a great pioneer work.

WILLIAM R. SHEPHERD.

Peerage and Pedigree. By J. HORACE ROUND. London, James Nisbet and Company, 1910.—Two volumes: xxviii, 362, 408 pp.

By the publication of these studies in peerage law and family history in England Dr. Round has added to his reputation as a skilled controversialist in things mediæval. Several of the papers are devoted to the exposure of the genealogical fictions of new families that have succeeded by tortuous methods in tracing their lines back to eminent origins. Besides being exceedingly clever examples of critical historical research, they are valuable and diverting contributions to that literature which Professor Veblen adorned, some years ago, with his

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Theory of the Leisure Class. In about 125 pages Dr. Round analyzes and tears to tatters Dr. Copinger's *History and Records of the Smith-Carington family*—a monumental volume weighing nearly seventeen pounds and selling for five guineas, prepared at the instance of a very successful Victorian business man bearing the name of Richard Smith. In a chapter on "The Rise of the Berties," Dr. Round makes short work of such shreds of "noble origins" as were left to that family after Freeman had disposed of the case. Several families boasting of ancestors who came over with William the Conqueror—1066 is a date in English social history to which 1620 roughly corresponds in the United States—will find their foundations sadly undermined by the chapter on "Tales of the Conquest." Incidentally Mr. Round disposes of the ancient and honorable story of the Earl of Warenne's drawing his sword before Edward I's justices itinerant—a story which even the cautious Stubbs accepted. Other families, with Saxon names, who have made the still prouder boast that their lineages antedated the Conquest will likewise find, after a study of Dr. Round's paper on "Some Saxon Houses," that their genealogies rest on shifting sands. Nevertheless, the author has many words of comfort for those of ancient English origin "whose fathers led this land through an age of storm and stress before it fell beneath the sway of a Baptist in a motor car" (volume ii, page 133).

Turning from personal affairs, Dr. Round examines the state of the law on peerage matters, contrasting the methods employed by lawyers and by historians, and showing that the former are mediæval in their notions of what constitutes evidence in any legal question involving historical foundations. All of Dr. Round's studies are brilliant and suggestive, in spite of a too frequent display of what may be mildly termed irritation. The only possible exception to be made from the above general commendation relates to the paper on the origin of the House of Lords, which was first published twenty-five years ago and is now, in view of Mr. Chadwick's researches, quite obsolete. Moreover it is as wrong as any thing Freeman ever wrote, in so far as it claims that "in the House of Commons we have the resultant of the representative system in the Anglo-Saxon local courts, the summary and ultimate development of Teutonic government from below (volume i, page 362). Gneist, Brunner and Maitland, to say nothing of younger scholars, seem to have labored in vain to destroy the Teutonic-Saxon liberty myth, although they have left it quite as much in the air as the pedigrees which excite Dr. Round's derision.

C. A. BEARD.

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The Crisis of Liberalism. By J. A. HOBSON. London, P. S. King and Son, 1909—xiv, 284 pp.

Liberalism and the Social Problem. By WINSTON SPENCER CHURCHILL. New York, Hodder and Stoughton, n. d.—xxiii, 414 pp.

The working policy of nineteenth-century Liberalism in England was essentially negative: abolition of rotten boroughs, sinecures, tithes and army purchase, repeal of the corn laws, disestablishment of the Irish church, and so on throughout the whole program. As Mr. Hobson remarks, "constructive legislation coping with pauperism, sweating, unemployment, old-age destitution, or engaging the state in constructive work for the development of the productive resources of our land and labor lay outside his [Gladstone's] conception of practical or even legitimate politics." Nevertheless, the Liberal party, which became a highly organized mechanism during the long conflict between the bourgeoisie and the landed aristocracy, remains to face the new issues of our time, and its philosophers and practical leaders are working with might and main to show that a large degree of socialism is not incompatible with "the long and honorable traditions of their great party." In this troublesome process of putting new wine into old bottles, Mr. J. A. Hobson and the right honorable Winston Spencer Churchill are rendering interesting and effective service.

Mr. Hobson makes a broad and philosophic exposition of the foundations upon which a genuine Liberalism must rest. He brings within his purview the fundamental principles of democracy, liberalism and socialism, and the application of democratic notions to the abolition of poverty, to popular education and to imperial policies. In the concrete, Mr. Hobson would substitute an elected second chamber for the House of Lords and would vest in it purely advisory and deliberative functions, leaving it to gather such authority, intellectual and moral, as it might command by its services. As a counter-balance to the tendency of cabinet government to concentrate too much power in the hands of expert political manipulators, Mr. Hobson would introduce the referendum, to be set in motion by the refusal of the second chamber to accept a proposal of the House of Commons after its second presentation. To prevent an active and well-organized minority from securing a majority in the Commons, Mr. Hobson would introduce proportional representation.

This political revolution Mr. Hobson regards as the necessary condition for the realization of a radical economic policy. This economic

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policy embraces public ownership of the railways, of natural sources of power, of urban land and of large portions of rural land; state credit for private enterprises; social insurance in its broadest implications; free justice in the courts; and the nationalization of knowledge and of culture. On the last point, Mr. Hobson lays special stress, for without equal access to knowledge and culture "every other opportunity is barren for the purposes of personal and social progress"; and the way to his great goal lies not through institutions endowed by the rich but through institutions generously supported by the public. Mr. Hobson rightly fears the effects of reliance upon millionaires for educational endowments; but he finds his "horrible examples" in the United States, where it is notorious that several of the worst violations of academic liberty have been in state institutions managed by politicians. "Wholly detached and disinterested culture," it is to be feared, lies only in Utopia.

In the field of world politics, Mr. Hobson is a staunch opponent of "parasitic imperialism," as all know who have read his penetrating study of that subject. Moreover, he hopes to see established in the not distant future a democratic society of nations based upon the positive practice of mutual aid on equal terms.

At Albany or Harrisburg, Mr. Hobson's philosophy would be instantly branded as "rank socialism" and dangerous utopianism, but at Westminster things are different. So different are they, indeed, that Mr. Churchill, speaking in the name of Liberalism and on behalf of a government charged with the realization of a practical program, accepts most of the fundamentals of Mr. Hobson's economic policy, with those modifications and distinctions which are necessary in speeches addressed to a miscellaneous public. Mr. Hobson has set out on the road to socialism and does not seem to care whether he arrives or not; Mr. Churchill follows at a little distance, protesting all the while that he is going in the other directon. Mr. Churchill, it is true, would not abolish the House of Lords, he would only so curtail its powers as to make effective the supremacy of the House of Commons; but on economic matters he is in practical agreement with Mr. Hobson, for he says, without reserve:

> The whole tendency of civilization is toward the multiplication of the collective functions of society. The ever-growing complications of civilization create for us new services which have to be undertaken by the state and create for us an expansion of existing services. There is a growing feeling, which I entirely share, against allowing those services which are in the nature of monopolies to pass into private hands. There is a pretty steady

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determination . . . to intercept all future unearned increment which may arise from the increase in the speculative value of land. There will be an even wider area of municipal enterprise. I go further; I should like to see the state embark on various novel and adventurous experiments. . . . I am of opinion that the state should increasingly assume the position of the reserve employer of labor. I am very sorry we have not got the railways of this country in our hands . . . and we are all agreed, every one in this hall who belongs to the progressive party, that the state must increasingly and earnestly concern itself with the care of the sick and the aged, and above all of the children. I look forward to the universal establishment of minimum standards of life and labor [page 80].

On these general principles, Mr. Churchill defends the policy and program of the Liberal government in that eloquent and incisive manner which has made him so formidable a campaigner.

These are, indeed, two remarkable and timely volumes, from which the student of English politics may gain both philosophic and practical insight into the forces which are sweeping England away from traditional Liberalism. One cannot help exclaiming, however: "Shades of Cobden and Bright! Are these your sons?"

C. A. BEARD.

The Union of South Africa. By R. H. BRAND. Oxford, The Clarendon Press, 1909.—192 pp.

This is an admirable little book. Mr. Brand, having been a fellow at Oxford, for seven years an officer in the public service of the Transvaal and Orange River Colony and secretary to the Transvaal delegates at the National Convention, unites with his intimate knowledge of the subject a pleasing style and a useful familiarity with existing political systems. Students of comparative government will find the book very suggestive.

The South African colonies, like the North American, were impelled to union by economic necessity. There was the customs question, which divided the coast and inland colonies; there was the railroad question, which concerned the revenues of all the governments and the fortunes of Durban, Delagoa Bay and the Cape ports. Disputes culminated in deadlock; and the Pretoria conference, unable to settle anything, spoke unanimously for a national convention. It is not extravagant to find here an analogy with our Annapolis conference. Union was also dictated, though not so urgently, by the need of a uniform policy in the treatment of the Kaffirs. "No other nation," says Mr. Brand, "is faced with a future so perilous. . . There is no political question in

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South Africa which does not bear upon the native question, and beside it all other problems sink into insignificance." The Kaffirs, numbering six millions and increasing faster than the whites, outnumber them five to one. They have already a monopoly of unskilled labor and are beginning to compete in the skilled. The appearance of a "poor white" class, too ignorant for skilled labor and too dignified for "Kaffir work," is an ominous sign. Englishmen will not immigrate for the mere wish to save South Africa, and the Dutch are not likely to encourage them to come. Mr. Brand does not attempt to say what the result will be. He sees only "impenetrable darkness." We may surmise that it will mean much in consolidating the two white races.

The Convention sat with closed doors. Thus the delegates "were emboldened to act calmly and with courage, and with a due sense, not only of the immediate present, but of their responsibility towards future generations. . . . The process of gradual solution, which was incessant throughout the Convention, would have been impossible in the glare of publicity." An account of the proceedings, which are still kept secret, would be of profound interest. It would explain, for instance, why, having decided upon a flexible constitution, a unitary government and an omnipotent Parliament, the Convention should have made that Parliament bi-cameral. The tendency in England has been in the other direction. It is well known that the Canadian Senate performs no useful function except to provide rewards for superannuated party workers; that while the bi-cameral legislature of Quebec is incompetent and expensive, seven of the nine Canadian provinces find single chambers efficient and economical; and that the Australians adopted an upper house as a concession to provincial feeling. No doubt a similar concession was made in this case, for Mr. Brand intimates that there was opposition. Elected indirectly and somewhat as in France, the Senate will offer no menace to that principle of cabinet government which requires accountability to one house only. It is more uncertain how the cabinet system will work with an executive capital in Pretoria and a legislative capital in Cape Town.

Mr. Brand supplements his description of the government with chapters on the future of parties, relations with the Empire *etc.* He believes that the administration of the school system, left to the provincial councils for ten years, will rouse serious animosities on account of the two rival languages. In the appendix appears the text of the constitution. It was not written by a Gouverneur Morris. Sir Percy Fitzpatrick calls it the finest in the world; it is certainly one of the longest.

E. M. SAIT.

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Deutsches Reichsstaatsrecht. By PAUL LABAND. Tübingen, J. C. B. Mohr (Paul Siebeck), 1909.—viii, 464 pp.

Das Verfassungsrecht der französischen Republik. By ANDRÉ LEBON. Same publishers, 1909.—vi, 205 pp.

Das österreichische Staatsrecht. By JOSEF ULBRICH. Same publishers, 1909.—viii, 378 pp.

Das Staatsrecht des Königreichs Belgien. By PAUL ERRERA. Same publishers, 1909.—xx, 460 pp.

Das Staatsrecht des Grossherzogtums Luxemburg. By PAUL EYSCHEN. Same publishers, 1910.—vi, 231 pp.

The scholars of England and the United States have been unable or unwilling to produce any really great handbooks of political economy and public law; and the student who would take a comparative survey of the constitutional systems of the world must still rely upon the monumental treatises of the prodigiously industrious German savants. Under the circumstances, a cordial welcome will undoubtedly be extended to the publication of a thorough revision of Marquardsen's *Handbuch des öffentlichen Rechts*, under the title, *Das öffentliche Recht der Gegenwart*. The stamp of authority is set upon it by the names of Professors Jellinek, Laband and Piloty, who have undertaken the editorial supervision of the work; and the original plan has been improved, at least to the extent of curtailing several lengthy historical disquisitions and confining the treatises to the concrete exposition of current public law. The scheme in general is, however, the same; and in some instances the authors who contributed to the original Marquardsen collection have merely brought their books up to date without extensive modification. For example, Laband's *Deutsches Reichsstaatsrecht* is simply the fifth edition of his little treatise published first in 1876, and Ulbrich's *Das österreichische Staatsrecht* is a revision of the third edition of his volume in the original *Handbuch*. In only a few instances are entirely new works promised. Nevertheless the new edition, taken in conjunction with the *Jahrbuch des öffentlichen Rechts* and the *Archiv*, will enable scholars everywhere to keep abreast of the constitutional developments of the civilized world with relatively little effort.

In turning over the pages of these new volumes, one cannot but be impressed with the fact that little of importance has occurred in the field of public law since the latest Marquardsen revisions. There is, of

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course, the separation of church and state in France; but Lebon dismisses this theme in four pages, with the conclusion that the revolution has made more secure the foundations of public law and has in no way endangered freedom of conscience (page 192). The new electoral law in Austria is fully discussed by Ulbrich (pages 210 *et seq.*), but the interesting feature of compulsory voting receives scant notice. Indeed, Ulbrich simply states that it has not met the expectations of those who devised it. In the annexation of Bosnia and Herzegovina, he sees only the clear legal expression of an undoubted legal condition (*die wahrhafte Rechtsgrundlage*, page 136). The recent readjustments in Austro-Hungarian relations Ulbrich discusses at length, and he succeeds in making clear a tangle that has been puzzling western students for a decade or more.

In the method of treatment there is practically no departure from the model set in the original Marquardsen edition. Each of the volumes under review is dry and legal; each wears an aspect of remoteness from politics—the very warp on which constitutional law is woven. The written constitution has lulled each author, with the possible exception of Lebon, into a false sense of security. Only Hatschek's volume on England (recently reviewed in this journal) takes much account of the working mechanism created by the constitution; and this fortunate exception is probably due to the fact that one cannot take a copy of this constitution and a set of commentaries into his stdy and evolve a treatise on the public law of England.

Furthermore, relative values have not been considered by the editors with sufficient care. There is no good reason why the French Republic (the pattern for much continental public law) should be dismissed with 205 pages while the kingdom of Belgium receives 460 pages. This discrimination is assuredly due to oversight alone: forty years have now elapsed since Sedan. Contiguity must be responsible for giving 231 pages to the petty duchy of Luxemburg and ignoring the existence of the commonwealth of New York. No rigidly consistent plan has controlled the internal construction of the various volumes. For instance, Errera's Belgium devotes some 50 pages to local government—almost twice the space which Lebon (who omits provincial administration altogether) gives to the French legislature. The index in each case is wholly inadequate. Perhaps, however, it is ungracious to quarrel over details when the authors and editors of this excellent survey have rendered so marked a service.

C. A. BEARD.

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Das Gesammtinteresse als Grundlage des Staats- und Völkerrechts. Prolegomena eines Systems. By HEINRICH GEFFCKEN. Leipzig, Georg Böhme, 1908.—vii, 56 pp.

Professor Geffcken's little pamphlet is written, as he himself says, in "lapidary" style, and it contains material that might easily have been expanded into a formidable treatise. The title and preface indicate the author's purpose to carry into the field of public law the social-utility theory formulated in Jhering's *Zweck im Recht*, and therewith to outline a new and more satisfactory system of constitutional, administrative and international law. The results, it must be said at the outset, are rather disappointing. In the field of national public law the author suggests a somewhat novel grouping of the functions of the state, but his analysis is open to quite as many criticisms as any of the older efforts. In international law, his theories are extremely conservative, not to say old-fashioned.

In the essentially philosophical part of his work, Geffcken's theories, as compared with Jhering's, mark regression rather than advance. To him, as to the English utilitarians, collective interests are primarily coincident and accordant individual interests, and permanent coöperation in the realization of such interests produces social organization. From the start, moreover, he treats conscious recognition (*Vorstellung*) of these accordant interests as the basis for the development of rules of conduct. All this suggests a reversion to the contract theory; and yet the author does not profess any such theory; on the contrary, he says that the beginnings of the state are to be found in "a purely *de facto*, mass-psychological process" (page 9). Such a process, however, is not commonly controlled by anything so definite as a *Vorstellung;* its driving force is feeling.

Interesting, however, and in the reviewer's opinion wholly justifiable, is the author's classification of social organisms into those which control their members by psychical pressure alone and those which actively enforce a collective will by "administration" (*Verwaltung*). The latter are "action-organisms" — not a bad phrase — and of these action-organisms the state is the most highly developed (pages 6, 7). The state, however, is only a species of this broader genus; and it is not essential to the concept of the state that it should be "sovereign." There are, indeed, no "half-sovereign" states, but there can be and are "non-sovereign" states (page 33). From this last statement many will dissent; but controversy on this point is pure logomachy.

Far-reaching expectations are aroused by a distinction which the

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author draws between "originary" and "derivative" organisms and rules of conduct. "The state," we are told; "is an originary jural form of association; law came into existence neither before the state nor after it, but with it; the state is a jural union or it is not a state; by logical necessity its rule is an originary jural rule" (page 11). "Jural rule" of course means to the author a rule limited by the collective interests of the members of the state, for in his as in Jhering's theory law is primarily the body of norms established and enforced in the general interest. As the state exists primarily for the realization of "the jural idea," it can ignore neither the interests of liberty nor those of interstate intercourse. Its power is limited by the fact that it rules persons who are free and whose interests are not bounded by the frontiers of the state. These and other utterances and implications are interesting because they suggest a revival of natural-law theory. If the rules needed for the protection of personal liberty and of international intercourse could be read into that "originary law" which is coeval with the state, and if this law could be regarded as superior to the positive law of the single states, we should have an originary-law basis for constitutional government and for international rules; and this originary law would be distinguishable from natural law only in its social-utility basis.

These conclusions, however, the author does not draw. His only distinction between "originary" and "derivative" organisms is that we know when and how the latter have come into being, while, in the case of the originary organism, we cannot "carry its origin back to a unitarian, superior, creative will of temporal and logical priority" (page 7). Inferentially, "originary law" seems to be relegated to the realm of the unascertainable. And as soon as the author emerges from the fields of philosophy and social science and sets foot on strictly legal ground, he is as positivist as Hobbes or Austin. The limitations imposed upon the state by the "jural idea" are self-limitations; and although there may be non-sovereign states, the international community consists of sovereign states only. Not only is there no world-state, but the world-organism is not even an action-organism (pages 33, 34). International law is really law, but it is so only because the states which form the international community have recognized its rules as a part of their respective systems of national law (pages 35 *et seq.*).

This is a little disappointing. In the history of the last hundred years Professor Geffcken might have found a considerable body of evidence to show that the community of civilized nations, if still far from being a state, has developed into something like an "action-organism."

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Many results have been achieved by concerted action; and disregard of well settled rules of international law by a state would produce other than psychical reactions. Expulsion from the community was one of the earliest and severest penalties for the infraction of state law; exclusion from the international community is a penalty which no modern state could face.

Reversionary, again, is the value which the author attaches to general concepts and to logical deductions from such concepts. The practice of according belligerent rights to an organized insurgent government is reprobated, for example, because it is inconsistent with the author's concepts of the international community and of international law (page 40).

The positivist character of the author's legal theories is well illustrated in the following remarks regarding customary law:

> Customary law comes into existence by virtue of the fact that the organ of legal development abstracts a norm from a concrete social relation, makes this norm immediately retroactive upon the given social relation and repeats this process in every case in which the facts are similar, until the norm in question has become as familiar to the general consciousness as if it had been immemorially (*längst*) valid law [pages 19, 20].

No English lawyer could ask for a more accurate description of the development of judge-made law, nor could any analytical jurist demand a more definite recognition of the thesis that customary law proceeds from the state. The author is more exact than the English theorists, however, in recognizing the fact that administrative as well as judicial decisions establish customary law.

Incidentally, political students will be interested to learn that democracy is limited only when there are monarchic or aristocratic elements in the government, and that the United States, like France, is an unlimited democracy (page 15).

It may be that the reviewer has misinterpreted some of the philosophical theses of the author. When every German who ventures into philosophical disquisition finds himself misinterpreted by his German critics, a foreigner who endeavors to understand a German legal philosophy formulated in "lapidary" style may be pardoned if he errs. If, however, the author's views have been correctly apprehended, his system appears to be somewhat of a hodge-podge. It offers an interesting example of the tranquil coexistence in a single mind of juristic-philosophical theories which belong to different eras and are commonly regarded as incompatible.

MUNROE SMITH.

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America and the Far Eastern Question. By THOMAS F. MILLARD. New York, Moffat, Yard and Company, 1909.—xxiv, 576 pp.

Mr. Millard's treatise deals with the forces at work in what he calls "the waking Orient." He has studied eastern problems in the East and has come in touch with leading western people residing in the East. He has had unusual opportunities to discuss public affairs with public men. When Mr. Taft visited the Far East in 1907 he was accompanied by Mr. Millard, who received complimentary mention in the speech-making. The treatment of Philippine subjects in the book proves that Mr. Millard came fully in touch with the American official view.

In his introduction, the author says that the present policy of Japan has a tendency "to cause international dissension and strife by impairing the interests of other nations." In this, Mr. Millard expresses the opinion of the majority of the Europeans and Americans residing in the East. In reading his work, his point of view should be taken into account, and it should be remembered that his prejudices are shared by many white people who make the East their home. His anti-Japanese statements are representative of what officials and merchants in the East are saying.

It is Mr. Millard's belief that Japanese diplomacy purposely brought to the front the minor questions of the California schools and of Japanese immigration to the United States in order to obscure the greater problem of Manchuria, where Japan could claim less moral justification for her position. This view deserves careful consideration. It of course implies that our State Department suffered itself to be placed in a false position.

In his chapter on "Foreign Residents in China," Mr. Millard handles some very unpleasant facts. Without disputing for a moment the high character of Judge Wilfley or the sincerity of his work, one may take acute exception to certain of the methods employed in defending him. Not that Mr. Millard is entirely to blame for these methods. He presents certain material which has found a place in reports forwarded to the Washington administration by its officials in the East. This material contains statements which have been discredited by the decision of Judge Bourne of H. B. M. supreme court for China in the interesting case of Rex *v.* O'Shea (November, 1908). In that *cause celèbre* was vindicated the honor of the American court for China, but not the discretion of its judge. On several pages Mr. Millard repeats general charges against western moral standards in the East, particu-

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larly in Shanghai. But from the honored English bench we hear: "His Lordship had been some years in this place, and it was his opinion that the white population in this place was quite as moral as that of any other white population, quite as moral as in London or New York." The next words of the English judge take away all excuse for the attempt made on pages 392 and 393 to claim British precedent for American action of doubtful legality.

When his book was written, Mr. Millard had good reason to be gloomy over the prospects of American enterprise in Korea; but lately affairs have taken a more favorable turn, and certain American companies find the Japanese authorities willing to assist rather than to obstruct. For the year ending June, 1909, the leading American gold mining company in Korea made a total operating profit of nearly $640,000. It paid only a five-per-cent royalty to the government.

In attempting to analyze the internal situation of China, Mr. Millard has been seriously misinformed. The Ka-ming-tang faction, which, according to our author (page 303), "wishes to accomplish reform by peaceful means" and "does not aim at overthrow of the monarchy," is in fact an anti-dynastic organization whose leaders wish to overturn the existing system by force and to replace it by a communist republic. The Hinanese military society, Kao-lao-hin, long a source of worry to the government, is connected by Mr. Millard with the reformers of 1898. In this again he is in error. The "so-called Confucius party" is unheard of by the residents of the East and has been ridiculed by a leading far-eastern review. In describing these factions the author has misstated almost everything that it was possible to misstate. The most influential of the reformers receive no mention whatever, while certain extremists are described as moderates.

A comparison of Mr. Millard's work with more thorough studies, such as the recent book by M. Maybon, will illustrate how carelessly this subject is treated. When an author takes such liberties with facts as Mr. Millard does in dealing with China, how can he expect the reader to trust his sweeping assertions regarding Korea? If he allowed himself to copy incorrect official documents regarding American affairs in China, how may we know whether he made any attempt to verify his information on the Philippines?

Mr. Millard is equally reckless in dealing with the future. He tells us that "it is probable that unless America does again interfere in eastern affairs another great war will occur in a few years." What basis can he have for so sweeping a prophecy?

The book has many excellent illustrations and a well-chosen frontis-

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piece. The maps, however, call to mind those of Mr. Millard's former book, for they show projects and extensions which in many instances are not likely to be realized.

It is a keen disappointment to find Mr. Millard's observation and examination marred by his disregard for accuracy. The world and Japan itself are under obligation to the critics who have pointed out fearlessly and unsparingly Japanese shortcomings and faults. Englishmen and Americans like Bethell, Hurlbert, McKenzie and Millard have shamed the Japanese into making great changes. The Korea of 1910 is not the Korea of 1906–07. It is the greater pity that criticism should weaken itself by wild, unfounded statements.

H. B. HAWKINS.

MADISON, WISCONSIN.

Les Mavroyéni: Histoire d'Orient de 1700 à nos jours. By THÉODORE BLANCARD. Paris, Leroux, 1909. Two volumes: xv, 757, 824 pp.

It is hardly to be assumed that many people will feel tempted to wade through the fifteen hundred and more pages of these ponderous volumes. The book suffers not only from length but from the faults of a good many other family histories—heaviness, prolixity, partisanship and an uncritical use of materials—faults insufficiently compensated by praiseworthy industry. As a rule, such a labor of love as the preparation of a work of this kind is undertaken only by a member of the family described or by some one employed by the family. It may hope for an honorable resting place on the shelves of large libraries, but its sales will perforce be meager.

The family to be glorified in the present instance—the Mavroyéni—can not be called very notable; indeed, only one member had a really important career, and all the efforts of his biographer can not make him out an attractive character. As for the various other Mavroyéni we are told about, they were mostly respectable officials in Greece, Roumania or Turkey, and of slight interest to the world. The family as a whole does not rank with the well known Fanariot houses claiming ancient descent from the nobles of the Byzantine Empire, for its origin can be traced back only to about the beginning of the eighteenth century, and its connection with the famous Venetian house of Morosini is not supported by much more evidence than the faint similarity between the two names. Pedigrees of this sort have been common enough in history, but the world today is too skeptical to accord them reverence.

Mr. Blancard's volumes, however, despite their faults, have value.

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Not only has he ransacked many published works for information about his heroes, but he has printed for the first time a large number of letters concerning them, not to speak of poems and laudatory inscriptions. Although the present reviewer has been unable to discover that this new material contains important revelations, the book is at least a modest contribution to the history of Turkey, and many of the details given are of considerable interest. The first volume, which is the better worth reading of the two, is devoted to the career of Nicholas Mavroyéni. This Greek of rather obscure origin, after becoming interpreter to the Turkish fleet, rose in time, thanks to the active support of his powerful friend, the Admiral Hassan Pasha, to be hospodar or vassal prince of Wallachia, the highest position that could be attained by a Christian in the Ottoman Empire. During the greater part of the eighteenth century the sultans followed the policy of installing as governors of the Roumanian principalities Greeks from the Fanar quarter of Constantinople, who, as strangers, were less likely than the former native rulers to conspire against their sovereign. These Fanariot hospodars, owing their places to favor or corruption and liable at any time to be supplanted, disgraced or perhaps executed, could hardly be expected to be men of the highest character. Their memory is indeed execrated in Roumania to the present day, and this unpopularity often extends to the modern Greeks. Nicholas Mavroyéni, though doubtless no more intriguing, unscrupulous or greedy than his rivals or adversaries, shared the faults of his class, and he was hated by the Roumanian boiars, whom he treated harshly. He also became ridiculously puffed up with his own importance. On the other hand, he was enlightened in his way, had some care for the common people and remained a Greek patriot, true to his faith and helpful to his fellow countrymen. Above all he was energetic, as he showed in the war of 1787–88 with the Russians and the Austrians. When finally, like the other Turkish commanders, he was defeated and was driven from his province, his enemies at home profited by their chance, and he met with the same end as many another Ottoman official of earlier days, the fatal "bowstring" (or, more accurately, silken cord). We may say in conclusion that his character, as well as his whole career, was quite in keeping with the times and the surroundings in which he lived. However Turks and Roumanians may feel about his memory, to the Greeks he remains a benefactor, and therefore a credit to his nation. This last point of view is that of his biographer.

ARCHIBALD CARY COOLIDGE.

HARVARD UNIVERSITY.

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The Common Sense of Political Economy, including a Study of the Human Basis of Economic Law. By PHILIP H. WICKSTEED. London and New York, The Macmillian Company, 1910.—702 pp.

Over twenty years ago Mr. Wicksteed published an *Alphabet of Economic Science*, which attracted considerable attention at the time, and which, although highly prized by advanced students, was ill suited to beginners. Now, however, he appeals to a wider public in a large and remarkable work dealing with the foundations of the theory of value, and its application to the ordinary phenomena of the market.

We are told in the preface that the book is intended primarily as a popular but systematic exposition of the marginal theory of economics, and that the author makes no claim to originality or priority with respect to anything that it contains. It is accordingly not necessary to discuss the book in detail, further than to remark that it is an admirable and successful presentation of the ideas that have recently become familiar to students of American economics. Mr Wicksteed avoids the use of the term "utility" (except in a noteworthy passage on page 391), and speaks continually of "marginal significance." Nor does he employ the term "social utility," although he makes use of the idea under the name of "the communal relative scale" (page 126). Some of his definitions are exceedingly good. Marginal considerations, he tells us, are "considerations which concern a slight increase or diminution of the stock" (page 40). "A market is the machinery by which objective equilibrium in the marginal significance of exchangeable things is secured and maintained" (page 212). "Cost of production is simply and solely the marginal significance of something else" (page 382).

The first part of the book deals with the general theory of margins. The second part treats of the theory of distribution. The author's general attitude tow rd this subject is expressed in the statement "that everything that we read in (the older) economic books as to the pure theory of distribution, whether it refers to wages, interest, rent or profits, is either false when asserted of the category under discussion, or else true of all the others as well" (page 574). Especially valuable are the examples given by the author of the frequent confusion in the exposition of the law of increasing returns and of the law of diminishing returns. Least successful is his third part, entitled "Analytical and Practical," which is nothing but a collection of more or less desultory comments on a vast variety of topics.

It is to be hoped that Mr. Wicksteed's book will enable even the ordinary reader to comprehend the real meaning of what some economists have called "social marginal utility." E. R. A. S.

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Cours d'économie politique. Professé a l'École Nationale des Ponts et Chaussées. By C. COLSON. Deuxième édition revue et augmentée. Paris, Gauthier-Villars, 1907.—Six volumes: 447, 343, 341, 433, 443, 527 pp.

These six volumes, containing the substance of the course of lectures given by M. Colson to the students in the great French school of engineering, treat in order the following general divisions of economics: the general theory of economics, labor and labor problems, property, commerce and exchange, public finance and the French budget, and public works and transportation. It is clearly impossible to give in the compass of a book review even a brief résumé of the contents of a work of such encyclopædic proportions; nor, in this instance, is such a summary demanded, for the author confines himself almost wholly to restating doctrines which, if not generally accepted, are at least well known to all economists. M. Colson has labored with admirable patience and tremendous industry to produce this most useful and meritorious addition to the voluminous economic writings of France. It is greatly to be regretted that we do not exact in our engineering and technical schools a thorough training in economic science, similar to that required in France. Surely the students who have listened to M. Colson's lectures are better fitted to pass upon the great engineering problems presented to them than are engineers who have never had any equivalent training in the fundamentals of economic science. The engineer is becoming more and more important in our society. His expert opinion is required in every sort of undertaking. How needful it is that he should receive a good grounding in the principles of social wealth and welfare.

M. Colson divides all economic opinion into three schools, *viz.*, liberalism, socialism and *l'interventionnisme.* It may well be doubted if all shades of economic theory could be comfortably packed into this box of three compartments. M. Colson is himself an adherent of the "liberal" school. A careful perusal of the first volume of his monumental treatise causes the reader to wish to create another school to be denominated the "conservative" school, or else to change the name of M. Colson's school from "liberal" to "conservative." French liberalism is in fact indistinguishable from English or American conservatism, and in ideas and methods of treatment M. Colson is a rigid conservative. He seems to be either unaware of or indifferent to the more recent developments in economic theory, especially in the United States. This attitude will be accounted a virtue by some and a vice by others.

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To the reviewer it appears that, in his treatment of state intervention, he by no means exhausts either the reasons for or the possibilities of state regulation, supervision and control of industrial undertakings. His work would have been more valuable if he had freed himself from the bondage of the peculiar kind of freedom represented by French liberalism. In M. Colson's view the poor are poor through their own laziness, inability or thriftlessness; the rich are rich because of their own or their ancestors' virtues. The laws of property and of inheritance are almost above criticism. Any attempt to ameliorate the condition of those living at or below the minimum of subsistence must result in such an increase of the poorer classes that the result will inevitably be a larger number of miserable wretches living at or below the margin of starvation (volume i, pages 378 *et seq.*). This out-Malthuses Malthus; for the English economist, in the later editions of his *Essay on Population*, modified drastically the original rigor of his reasoning. In his second volume, treating of labor and labor problems, M. Colson somewhat abates the severity of his *laisser-faire* theories, but in a way that will meet with the disapproval of many economists. Speaking of the evils of the sweating system, he admits the mischief of wages below the minimum of subsistence, of unsanitary workrooms and of excessively long hours. But all these evils come about because the workers, male and female, are unskilled, ignorant and superabundant. The remedy for these conditions is not a minimum wage, but a contribution by the state, sufficient, when added to his meager earnings, to enable the underpaid and irregularly employed worker to eke out a livelihood. The choice for these poor wretches is between underpaid work and no work at all. The state should not support them wholly but should make up the difference between their actual wage and a living wage. It seems to the reviewer that all experience has shown that this is the worst "solution" that can possibly be found for this hard social problem. This is the "solution" which was tried for so many years in England, with such disastrous results. It is much better to enact a minimum-wage law, even if it deprives these unfortunates of work. Better that the state should support the inefficient wholly and prevent the multiplication of the breed than subsidize incompetence and unthrift, enabling them to bring forth after their kind. M. Colson says nothing of the duty of the state to provide manual and technical training for those born under its sovereignty, to the end that the inefficient may be diminished or eliminated. One cannot avoid thinking that the great French economist seeks to exonerate individual enterprisers from the charge of extortion by an appeal to vague general theories which have no applicability to the case under discussion.

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Socialism M. Colson divides into two kinds—authoritative and anarchistic—oblivious of the rivers of ink that have flowed and the mountains of paper that have been piled up in explaining the inherent and ineradicable antagonism existing between the two antipodal systems, socialism and anarchism.

The sixth volume, dealing with public works and transportation, is especially interesting, as these subjects constitute the author's peculiar field of study. Painstaking care and thoroughness are the characteristics of this volume. Naturally M. Colson makes no contribution to the theory of railway rates but contents himself with setting forth clearly and precisely matters that have become common knowledge.

If one has sufficient patience and stick-to-it-iveness to wade through these six formidable tomes, in the end he will reap the reward of his virtue. His soul will be suffused with the feeling of his own meritoriousness in having completed a very thorough, comprehensive and valuable, albeit somewhat wearisome, course in economic science.

ROYAL MEEKER.

PRINCETON UNIVERSITY.

Festschrift zum fünfundzwanzigjährigen Bestehen des Reichsverbandes der deutschen landwirtschaftlichen Genossenschaften: 6 Juli 1883–6 Juli 1908. Darmstadt, L. C. Wittich, 1908.—305 pp.

This handsome volume, bearing the imperial arms and colors, traces the organization and growth of the Imperial Union of German Agricultural Societies. It should be of the greatest interest to the people of the United States; for although coöperation has won signal triumphs in some agricultural industries in the United States, and here and there throughout the country successful societies flourish, it has not made the conquests that it should have made, and the failure is due to the lack of coördination among the individual societies. There is also lack of a strict definition of coöperation, of uniform laws for the regulation of coöperative action, and of rigid accountability, such as can be secured only by some uniform system of book-keeping and auditing. In Germany, with a federal system similar to our own, these same problems confronted the friends of coöperation twenty-five years ago. The inspiring story of their solution is told in the present volume, an English translation of which would be of great practical use.

The book briefly recounts the rise, growth, and functions of (1) the individual societies; (2) their territorial unions (*Verbände*) and (3) the Imperial Union.

Agricultural coöperation in Germany was started in the forties, for

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the purpose of affording cheaper credit to the heavily indebted farmers. The father of the movement was Raiffeisen. Other credit societies sprang up outside his system, and various other coöperative societies were formed, some under the guidance of Raiffeisen and others independently, so that by the year 1883 agricultural coöperative societies flourished throughout Germany. Their organization into unions had already begun; but there was great need of a central organization to represent their common interests. Such an organization Raiffeisen had attempted to form for his societies, but with only partial success, owing to the fact that his plan involved undue centralization and gave too prominent a place to credit. All but credit societies held aloof from his union (*Anwaltschaftsverband*), and of these societies only two-fifths became members.

The seed which was to grow into the Imperial Union was planted in Hesse, where the first German coöperative society for the supply of agricultural requisites was founded in 1852. Here, as time went on, many similar societies were organized and these formed a union. At a meeting of this union in 1876, its president, Kreisassessor Haas, suggested the possibility of a great imperial organization, the members of which should be independent territorial unions. This idea was realized on July 6, 1883, when the Union of the German Agricultural Coöperative Societies (*Vereinigung der deutschen landwirtschaftlichen Genossenschaften*) was formed. Fully conscious that much suspicion and prejudice were to be overcome, Herr Haas tactfully defined the purpose of the Union, in the most general terms, as "the furtherance of the interests of agricultural coöperation without prejudice to the independence of the members." He was elected president of the Union and was its moving spirit. Its development was slow but healthy. It gradually acquired general supervision of the accounts and book-keeping of the members, many of which voluntarily submitted to its auditing—an achievement which alone would have justified its formation. The Union took an active part in shaping the coöperation law of 1889 and especially in securing a provision for compulsory auditing. The provision for the organization of special central societies to act as centers for the distribution of money and goods to the local societies, a function hitherto performed by the territorial unions, left these latter unions to devote themselves to propaganda and to the promotion of the general interests of the societies.

The growing influence of the Union was reflected in its change of name, in 1889, to General Union (*Allgemeiner Verband*) of German Agricultural Coöperative Societies.

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At its general meeting in Darmstadt in 1895, the Union formulated the following principles of coöperation. (1) Different branches of industry should not be combined in one society. (2) Credit societies should be based on unlimited liability of the members. (3) Independent state and provincial unions should be formed. (4) Special central societies for the exchange of money and goods should be established. (5) The territorial unions should be brought together in a central organization, such as the General Union.

The General Union, at first unduly decentralized, was gradually strengthened. The work of the central societies was greatly facilitated by the formation, in 1897, of the Wholesale Society of the German Agricultural Purchase and Sale Societies (*Grosshandelsgesellschaft der deutschen landwirtschaftlichen Ein- und Verkaufsgenossenschaften*), by the establishment by the Prussian government, in 1895, of the Prussian Central Coöperative Bank (*Preussische Zentralgenossenschaftskasse*), and especially by the founding, in 1902, of the Agricultural Imperial Coöperative Bank (*Landwirtschaftliche Reichsgenossenschaftsbank*) at Darmstadt. The latter bank was to render to the unions outside Prussia the same services which the Prussian bank rendered to the unions in that kingdom and which the central Raiffeisen bank in Neuwied performed for its members.

While the general Union was becoming more centralized, the reverse process was going on in the Raiffeisen organization, so that the two became more and more alike, with the natural result that in 1905 they were united. The name General Union had in the meantime (1903) been exchanged for Imperial Union (*Reichsverband*), and this name was retained for the great joint organization.

The administration of the Union is entrusted to (1) a general assembly, (2) a joint committee, (3) an administrative council, (4) special committees and (5) a general councillor. This last position has always been held by Herr Haas.

During the first years of the Union's existence, individual societies were admitted to membership; but as soon as its position was assured the right of direct membership was limited to the territorial unions and those business institutions which, by reason of the wide range of their activities, could not be assigned to any of the territorial unions. At the time of its formation, in 1883, the Union was composed of nine territorial unions (including 239 societies) and nine individual societies; in 1908 it comprised 239 territorial unions (including 17,626 societies) and five central business institutions.

Though the territorial unions vary in composition, that of Pomerania

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may be cited as typical. It is made up of the following societies: three central societies; 23 purchase and sale societies; 350 saving and loan societies; 24 distilleries; six starch factories; three purchase and repair societies; two horse-breeding societies; one mill; two electric societies; one settlement society; two steam-plow societies; three threshing-machine societies; ten cattle-selling societies; 13 artisan societies; 13 building societies; one masonry society and one hotel association. The dairies societies of Pomerania have their own union.

The general object of the central business societies and institutions is declared to be the bridging of the gulf between the small coöperative units and the large undertakings which control the modern supply of money and goods. How well this object has been attained is eloquently attested by the following statistics. The value of the goods purchased by these societies in 1907 was 116,000,000 marks, and the total turnover of the 35 central territorial banks in the same year was 3,721,000,000 marks. The growth of the two central banks in Darmstadt and Neuwied has also been phenomenal: in 1907 the capital of the former was 16,000,000 marks and that of the latter 87,000,000 marks. That both borrowers and lenders have been well served is shown by the fact that from 1896 to 1907 the average rate of interest on deposits was 3.47 per cent and the average rate on loans was 4.11 per cent, as against an Imperial Bank rate of 4.28 per cent. The range of fluctuation of the rate on loans was from 3.6 per cent to 4.6 per cent, while in the Imperial Bank the range was from 3.32 to 6.3 per cent.

In response to special needs, the Union directly engages in business of certain kinds, such as the supply of artificial fertilizers and of coal and the repair and supply of machines for farms. Its great strength enables it to make advantageous arrangements with the fertilizer syndicates and, in connection with the supply of coal, with the state.

Nor has the Union neglected its opportunities for social and educational work. A pension fund has been provided for its employees; vacation homes have been founded for workers in coöperative societies; a special school of coöperation is conducted, to teach the benefits of coöperation and especially to train men for the management of coöperative societies; and, finally, an earnest effort is being made to socialize and quicken rural life.

Within the limits of a book review scant justice can be done to the idealism which permeates this volume. While stress is laid on the great economic savings effected by coöperation, the reader is left with the impression that the indirect effects of the movement are of even greater importance. The dormant forces in rural life have been aroused

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and the farmers have been stimulated and taught to help themselves; with the result that a veritable revolution has taken place in the condition of the small farmers, while great benefits have accrued to the large farmers also. The old saying, *Eintracht macht stark*, which is the motto of the Union, has been verified outside of the political field.

JESSE E. POPE.

WASHINGTON, D. C.

Zur Entwicklungsgeschichte des Sozialismus. By OTTO WARSCHAUER. Berlin, Franz Vahlen, 1909.—xvi, 403 pp.

This book is based on a series of lectures, originally delivered at the University of Leipzig, relating to the development of socialistic theories in France. The author states that his aim has been to place before the reader an impartial view of the earlier forces of French socialism and of its effects. This aim is a difficult one, but the author has come nearer than many others to realizing his purpose.

In his preface Professor Warschauer seeks briefly to point out the philosophical bases of the socialist movement in the nineteenth century. He passes by the early utopians and suggests that Adam Smith's international influence has been largely superseded by the influence of socialist doctrines and tendencies, which now very generally affect western civilization in particular. The rest of the book is devoted to a special study of Saint Simon, Fourier and Louis Blanc and their French followers. It is not a complete exposition, but is, as the title indicates, simply a contribution to the history of socialist thought, covering the period between the French Revolution and the beginning of the present republic.

Besides a full and rather critical review of the activities of the leading characters, the author gives the reader considerable information concerning the more important followers of Saint Simon and Fourier. In criticizing the curious proposal of Saint Simon for a tri-cameral system, he says that the idea is impracticable, for it was proposed that only merchants, manufacturers and scholars should compose the chambers.

> Merchants and manufacturers [he comments] may have a critical insight into industrial conditions, but public interests cannot be entrusted to them alone, since they—as the proceedings of so many national legislative bodies show—are seldom free from self-seeking and generally have an open eye for their own special interests [page 41].

Possibly the author had in mind, among other assemblies, the peculiarly constituted Congress of the United States, dominated as it is by "mer-

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chants and manufacturers." As far as the desirability of making scholars a part of this system is concerned, he objects on the ground that their cultural influence will take a more desirable and useful form if, as a rule, they stick to their lasts. They can do great things in their own way, though they may have no talent for politics and administration. On the other hand he contends that Saint Simons's view that lawyers tend to seize political power and disregard the interests of labor is not well founded. "Jurists have been and are often now the real representatives of labor interests, for which merchants and manufacturers seldom have time or inclination to care" (page 44). It is obvious that the author's criticism here must be taken *cum grano salis*. Lawyers as a class—allowing, of course, for exceptions—have found themselves in the course of our economic evolution naturally working with capitalists and capitalistic interests; in other words, seeking positions where material rewards are greatest.

Professor Warschauer concludes that "Saint Simon made himself the defender of the propertyless, and, though not intentionally, nevertheless intellectually, he originated the socialist movement of the nineteenth century" (page 46). Following this we have a summary of the interesting political and literary careers of Saint-Amand Bazard and Barthélemy-Prosper Enfantin.

After a full discussion of Fourier's theories and plans, the author declares:

> Fourier was a master of criticism . . . but the Phalanx, with which he proposed to save the world, is simply an air-castle erected on the clouds of romanticism [page 150]. . . . He wished to destroy the little gods of science and the ideal world of the "philosophers," and to be the apostle of the social metamorphosis; but . . . he had not the compass which might guide him to a new world [page 157].

The career of Fourier's follower Prosper-Victor Considérant is covered in some detail, and the author calls attention to the spread of Fourier's ideas in America, influencing as they did such men as Albert Brisbane, W. E. Channing and others of prominence (page 177), and to Considérant's ill-fated attempt to found a colony in Texas. Jean-Baptiste André Godin's attempts to establish a *familistère* at Guise are recorded. Finally, the author refers to the very considerable effect Fourier has had on the development of socialism.

> Long before Karl Marx he pointed to the maladjustments incident to the reign of industrial, capitalist magnates. . . . To Fourier, Robert Owen and Louis Blanc owed their ideas concerning industrial association and co-

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operation [page 229]. . . . He performed an undeniable service to bourgeois society when he urged a pacific union of capital and labor for the interests of both. All later socialists have endeavored, more or less, to further the interests of labor by advocating a rejection of the capitalistic methods of production.

Louis Blanc's life and writings are treated at greater length than those of Saint Simon or Fourier. After reviewing Blanc's early activity, his exile in England and his final return to France, the author remarks:

Convinced that every political and religious movement has had in its beginnings more opponents than friends, and that many ideas that have had a mighty influence on the evolution of mankind have at first been regarded as vain and foolish, he never doubted the irresistible power of socialism and its ultimate success. He compared it with Protestantism, and believed that, as this was a great cultural force in reform in the sixteenth century, so socialism was destined to be the great force to elevate the moral standards of men in our day. . . . Louis Blanc was no communist. Of the existence of natural inequalities among men he had no doubt, and he did not desire to do away with the right of property. He contended that the state should take the lead in industrial reforms and make it possible for every one to use the tools needed in modern production [pages 361, 362].

In criticizing Fourier's plans for the "organization of labor" the author takes an extreme position in his defense of competition and in his judgment of its effects during the last century. He says:

Free competition has been the cause of all industrial advance in the nineteenth century; it stands in closest relations with the political development of every nation; it is closely connected with personal freedom; and history teaches that the most powerful and industrious peoples have been those among which industrial freedom has been least limited.

Given the well-recognized relation of theory to social environment, it is not improbable that the author's views are a reflection of Germany's present success in international competition. Professor Warschauer seems to forget, however, that the growth of combinations and monopoly has made the present forms of capitalistic competition very different from the earlier forms. One may agree with the author's contention that entirely "to uproot individualism means an endless struggle against the essence of human personality"; but it may be suggested that the "individualism" of the present day signifies, to a large extent, the subjection of the individual interests of the many to those of the few. We may admit the one-sidedness of Blanc without accepting the author's point of view.

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Toward the end of his book Professor Warschauer calls attention to the bitter antagonism between the ideals of Blanc and Proudhon. "While Blanc demanded the intervention of the state in behalf of the propertyless, Proudhon contended that the state should in no way interfere with industrialism, and while the latter stood for unrestricted competition the former demanded its suppression" (page 395). Proudhon's views are related to the Jeffersonian attitude in our early politics as well as to the anarchistic tendencies of the present; while Blanc was an opponent of *laisser faire*, a forerunner, in a sense, of those who today advocate interference with and regulation of industrial affairs. It is strange, as the author remarks, that Blanc remained to the end of his life ignorant of related views developed in Germany by Marx, Lassalle and others; at all events, he paid no attention to them.

In spite of his own pronounced individualist views, Professor Warschauer has presented in a clear manner the characters and characteristics of the early development of socialism in France. His book will be of service to many students as well as to the general reader. It is written in a clear and unpedantic style, and the foot-notes are useful, not calculated solely to impress the reader with the author's erudition.

CHARLES E. STANGELAND.

BUREAU OF THE CENSUS, WASHINGTON, D. C.

Memories of my Life. By FRANCIS GALTON. New York, E. P. Dutton and Company, 1909.—viii, 339 pp.

In his *Memories* Mr. Galton has given us an intimate survey of a long life of unusual fullness and variety of experience. Medicine, geography, exploration, electricity, meteorology, composite photography, finger-print identification, statistics, psychology, measurement of human faculty, anthropology, anthropometry, mental and physical heredity, eugenics—all these subjects have claimed his attention. In many of them he was a pioneer: it may justly be said that he laid the foundations of the scientific study of heredity and, as an outgrowth of that, of eugenics. This latter term is indeed one of his own coining.

On the paternal side Mr. Galton is descended from a line of Quaker business men with a strong leaning toward scientific avocations. On the maternal side he is, like Charles Darwin, a grandson of Dr. Erasmus Darwin. After a somewhat desultory education, which included several years' study of medicine, and a course leading to a "poll degree" in Trinity College, Cambridge, Mr. Galton was, by the death of his father in 1844, left at the age of twenty-two economically independent. He

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gave up medicine as a profession and began to devote himself to scientific investigation. It is a most interesting comment on his character that his work has always had a direct bearing on practical human problems. It has not been the pursuit of knowledge for the sake of knowledge alone.

Shortly after his graduation from Cambridge he traveled through Egypt, the Sudan and Syria. Then, in 1850, he fitted out, at his own expense, an expedition to southwest Africa, where he explored a hitherto unknown territory. This gave him a scientific reputation, membership and other honors in the Royal Geographical Society, and eventually an election to the Royal Society at the age of thirty-four. For many years he was a member of the council of the Royal Geographical Society and a leading member and officer in the British Association; he was chairman of the Kew meteorological observatory, and to meteorology he contributed inventions of instruments and methods, as well as monographs on various topics.

Among other subjects to which he has made contributions should be mentioned anthropometry, strength measurements, finger-print identification, composite photography and various isolated psychological phenomena, *e. g.* (to quote titles) "Visualized Numerals" and "Generic Images."

Of course by far the most important of Mr. Galton's contributions have been those on the general problem of heredity. His work in this field may be considered epoch-making, not only for the results which he himself obtained, but quite as much for the statistical methods which he devised for his problems (*e. g.* measurement by relative position) and for the impetus he has given to men like the late Professor Weldon and Professor Karl Pearson. Merely to name his books on this and kindred topics is to make the above statement clear: *Hereditary Genius*, *English Men of Science*, *Human Faculty*, *Natural Inheritance*, *Noteworthy Families*, not to mention his later addresses and memoirs on the subject of eugenics.

To turn from the subject matter to the book itself, Mr. Galton's style is simple and clear, conversational in tone, personal but never gossipy. There seems hardly to have been a contemporary man of science in England with whom he has not had acquaintance, and with many of them he was and is on terms of intimacy. The book contains many interesting anecdotes of famous scientists.

In spite of all the intimacy of style and matter, the reader cannot detect the least trace of any conscious or unconscious vaunting of self, although few men today could boast of their achievement with greater

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justification. England has been fortunate in the possession of many men of independent means who have devoted themselves to the solution of scientific problems; but hardly any other living Englishman can point to so great an amount of truly scientific work applied to some of the fundamental problems of human welfare. In this case it is true, both as to form and substance, that an autobiography is what a biography ought to be.

The appendix to the book contains a very complete list of Mr. Galton's printed works, including newspaper articles and scientific memoirs as well as his better known books.

C. E. GEHLKE.

Essays and Addresses. By EDWARD BURRIT SMITH. Chicago, A. C. McClurg and Company, 1909.—xxxv, 376 pp.

Edward Burritt Smith was a man of brilliant parts and amazingly varied activities who, fighting his own way from his earliest years, came to hold a leading place at the Chicago bar and to interest himself in many civic movements. Outside his profession he worked for clean city government, uniform state legislation, sound money, Sunday schools, tariff reform, anti-imperialism and many things beside. The twenty-two essays and speeches in this volume deal with such widely different topics as "The Council and Mayor," "Street Railway Franchises," "The Civil Service Situation" and "The Clergyman as a Public Leader."

Standing rooted in the Declaration of Independence and the Constitution, the author has the conviction that the times are out of joint. Although he helped to secure the election of Mr. Cleveland, he denounces in trenchant style, as a profanation of the hallowed policy of Washington, President Cleveland's attitude with regard to the Venezuelan boundary dispute. He denounces the annexation of Hawaii and the acquisition of the Philippines, seeing the horrid form of absolutism rising among our democratic institutions. "Those who now represent us do not interpret the constitution in the terms of liberty. The President and the Congress of the United States have assumed and now exercise absolute powers." He denounces the tariff. He denounces "the lawless spirit of our age" and "the mushy and thoughtless sentimentalism of our time" which "seeks to improve upon Providence." In the face of inexorable economic law, "our people have been taught that it is the province of government to provide work for all those who labor with their hands, for such hours as they choose, for such wages as they want." Every sentence has a ring of sincerity and earnestness.

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The legal arguments are luminous and impressive as a rule; and many would consider the author's "Constitutional Government Imperilled" as better law, if not better politics, than the Insular Cases. Sometimes, however, his enthusiasm is stronger than his argument. This appears particularly in his effort to prove that sovereignty in this country resides with "the aggregate people, composed of all who hold the franchise in the several states." To make such an assertion, with no better proof than that "we the people of the United States" established the Constitution, is preposterous. The legal sovereign, the sovereign organized in the Constitution, is the amending power. Who the ultimate sovereign is we can only guess. It may be the aggregate of voters; it may be the "money power"; it may come to be the army.

E. M. Sait.

The Spirit of Youth and the City Streets. By Jane Addams. New York, The Macmillan Company, 1909.—162 pp.

Miss Addams's recent book continues the note of realism suffused with imagination which characterizes all her utterances, whether oral or written. To Miss Addams, things as they are exist in the light of what they may be. What lies implicit in the ordinary is the centre of her attention. This last book is her most lucid and poetical expression. "The perpetual springs of life's self-renewals," which the author avers to be the revelation of the poets, are here indicated in their obscurer, humbler and more danger-fraught channels.

That our industrial civilization, with its emphasis on profit, has practically ceased to regard the provision of recreation as a public function is clearly indicated in the first chapter, "Youth in the City." Speaking of the entrance of girls into industrial life, away from the protection of the home, this trenchant sentence sums up the situation: "Society cares more for the products they manufacture than for their immemorial ability to reaffirm the charm of existence." The folly of leaving the furnishing of recreation to commercial enterprise is made evident. In vivid words is painted for us the debasement which awaits the period of idealism that accompanies maturity—idealism that might mean a great impetus towards all forms of social, artistic and personal development, if only adequate provision were made for recreational facilities in which the life of the young might find joyful and normal expression. The second chapter, entitled "Wrecked Foundations," notes the impracticability of keeping up old-world habits of chaperonage in American cities and shows that there is "but one path open to us in

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America. That path implies freedom for the young people, made safe only through their own self-control. This, in turn, must be based upon knowledge and habits of clean companionship." In the next chapter, "The Quest for Adventure," the author insists both upon the natural right of the young to excitement and upon our folly in not providing such forms of pleasure and recreation as may satisfy this natural desire and at the same time stir the imagination. A higher note would meet with quite as ready a response, and this must be struck. "The House of Dreams" is a chapter devoted to the consideration of the powerful cultural influence of the theatre. The vulgarity of many of the cheap theatres, the emphasis placed on the cruder sex-aspect of life and a false estimate of values too often make of the theatre a coarsening influence instead of a potent educational force. In this chapter Miss Addams writes suggestively of the desirability of festivals, of the newly aroused understanding of the educational value of play, of the introduction of recreation centres into the schools, of the establishment of the "Field Houses" in the Chicago parks for recreational self-expression and of the revival of folk-dances. Both of these chapters are rich in illustration. The necessity of correlating education and industry in order to vitalize the former and humanize the latter is also made clear by showing the result of the lack of such correlation. The final chapter is a plea for so directing "this splendid store of youthful ardor and creative enthusiasm" as to "make it operative upon the life of the city." Speaking of that large mass of young people in the cities who are "breaking their hearts because the social reform is so long delayed," Miss Addams writes:

> To permit these young people to separate themselves from the contemporaneous efforts for ameliorating society and to turn their vague hopes solely toward an ideal commonwealth of the future, is to withdraw from an experimental self-government founded in enthusiasm the very stores of enthusiasm which are needed to sustain it. . . .

The book as a whole is both an important psychological study and an ardent appeal for public provision of decent recreation. A poem is the best kind of a tract.

MARY KINGSBURY SIMKHOVITCH.

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BOOK NOTES

Today the economist, the sociologist and the historian have discovered that law is an essential and, indeed, fundamental part of the structure of human society, and they find themselves forced to read and consider laws and decisions. Few of these students, however, have been able to pursue a systematic course of legal instruction, and they seldom know where to look for the legal information they need or what weight to attach to the texts or treatises upon which they stumble. In their excursions into the realm of the law they need, above all things, a trusty Bädeker. A book upon "brief-making" is one of the last to which they would naturally resort; and yet *Brief Making and the Use of Law Books* (second ed., St. Paul, Minnesota, West Publishing Company, 1909; xii, 574 pp.) comes nearer than any other single book to meeting their needs and should be in each of their working libraries. It is edited by Roger W. Cooley, and consists of five parts and two appendices. Of these, the non-lawyer will use, to great advantage, the first three parts: "Where to find the law," by Alfred F. Mason; "How to use decisions and statutes," by Eugene Wambaugh; and "How to find the law," by the editor. The fourth and fifth parts: "The trial brief," by Edson R. Sunderland, and "The brief on appeal," by Henry S. Redfield, give the volume its short title; they are admirably written, but they concern the professional lawyer. To the non-lawyer, however, the appendices again will be useful. The second, which interprets abbreviations, can only help, not harm him; but the first, entitled "Main heads of the law defined," must be used with fear and trembling, for in law *omnis definitio periculosa est.*

Dr. Stubbs, in the preface to the first volume of his monumental work, warned his readers that constitutional history offered none of the charm to be found in narratives and therefore could be mastered only by special effort. Professor Edward Elliott has proved, however, by his *Biographical Story of the Constitution* (New York, Putnams, 1910; xi, 400 pp.) that much of the history of our institutions can be found in the lives and doctrines of the great leaders: Hamilton, Wilson, Jefferson, Madison, Marshall, Jackson, Webster, Calhoun, Lincoln, Stevens and Roosevelt. By narrating the lives, expounding the theories and describing the political practices of these men, Mr. Elliott brings into bold relief the principles around which our great constitutional struggles have been

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waged. He is well aware of the danger that lies in overemphasizing the personal element in historical politics, but he finds his justification, and rightly, in the hope that the volume will serve a useful purpose in awakening the interest of young students in a great theme that too often wears a forbidding aspect.

A hitherto but slightly explored field in American history has been well cultivated by Professor Emerson David Fite, of Yale University, in *Social and Industrial Conditions in the North during the Civil War* (New York, The Macmillan Company, 1910; 318 pp.). Professor Fite presents in turn all the various phases of economic life during the period under examination. He has followed McMaster's example in depending very largely upon the daily papers and the official reports; but he departs from McMaster's method in taking up the subject by topics rather than by years. It is a plain, unvarnished tale, full of a great variety of facts, told without charm of style or especial skill in presentation. To the economic student perhaps the most valuable chapters are those on the commercial problems of the early sixties and the description of the monopoly situation in New Jersey.

The difficulty of ascertaining the positive effects of any such political change as the extension of the suffrage to women are well-nigh insurmountable, owing to the impossibility of measuring, either quantitatively or qualitatively, its many subtle results. In Helen Sumner's *Equal Suffrage* (New York, Harper and Brothers, 1909; xxvi, 282 pp.), we have at least, however, a dispassionate and scholarly study of equal suffrage in Colorado by a woman who has shown decided ability in several lines of research. After an examination of the general political conditions of the state, Dr. Sumner divides her theme into six distinct parts: party machinery, election statistics, women in public office, economic aspects of equal suffrage, influence of equal suffrage on legislation and effect of the suffrage on women. The influence of women in caucuses and conventions, Dr. Sumner concludes, has not been great, largely because of prevailing methods of manipulation, which deter both men and women from active interest in party affairs. Miss Sumner bases her election statistics on a study of nine counties which she deems typical and concludes: "It appears that in all of these counties taken together women formed 47.4 per cent of the population, 41.5 per cent of the persons registered and 37.3 per cent of the persons actually voting" (page 104). In the cities a larger percentage of women vote. In public office "the record of women has been high" (page 148). The economic effect of equal suffrage has evidently been slight (page 178), but the period of testing has

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been short. Equal suffrage has apparently had its most conspicuous effect in securing good legislation (page 211), although Dr. Sumner recognizes in this matter the difficulty of separating the influence of women from that of men. So far as the effect of the suffrage on women is concerned, Dr. Sumner thinks that it has "brought practically no loss and some decided gain" (page 260).

The reprint of John Davis's *Travels of Four Years and a Half in the United States of America during 1798, 1799, 1800, 1801 and 1802*, with an introduction and notes by A. J. Morrison (New York, Henry Holt and Company, 1909; xi, 429 pp.), is a welcome addition to the list of foreign impressions of the republic in the days of its youth, now being made accessible to others than the bibliophile. Unlike most of his compeers, Davis cared naught for the commonplace anecdotes of the traveler or for the political and statistical observations that crowd the pages of those whose humor, as the author himself remarks, "bears no proportion to their morbid drowsiness." He does not describe his meals, complain of his bed, draw pictures of ruins, "accumulate magnificent epithets" or lose himself in figures. A sort of literary tramp, he wandered afoot through a great part of the fifteen states, recording what he saw and heard and did with a spicy freedom of expression and a cheery abundance of allusion to writers of prose and verse which make his book eminently readable.

The second volume of *Select Essays in Anglo-American Legal History* (Boston, Little, Brown and Company, 1908; viii, 823 pp.) measures fully up to the standard set by the first volume. Here again valuable articles, previously accessible only in the files of periodicals, are brought together in systematic sequence; and here again some of the lacunæ are filled by chapters extracted from the best modern treatises. Several of the essays have been revised for this compilation by their authors. The present volume deals with sources, courts, procedure and equity. The editors have not limited their labors to selection and arrangement: in this volume, for example, Professor Ernst Freund has translated from the German Brunner's revised article on the "Sources," and Professor J. H. Wigmore has inserted (at pages 160–163) an excellent select bibliography of continental European legal literature. Moreover, useful lists of articles not included are given in the parts of the volume devoted to sources and equity. The completed work, which is to consist of three volumes, will be more adequately characterized in a subsequent issue of this journal.

A distinct addition to the literature of English economic history is the study entitled *Social England in the Fifteenth Century*, by A.

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Abram (New York, Dutton, 1909; xv, 243 pp.). The theme is that industrial revolution which came over England at the close of the middle ages and gave to its manufacture of woolens an importance comparable with its agriculture. The survey is a broad and thorough one; the statement of the labor problem, the description of everyday life, the estimates of the standard of living and the review of the position of women and children are all presented with an array of critical apparatus, a wealth of primary and secondary references which make the book invaluable for its period. There is a thoroughly good list of authorities and the appendix contains some interesting documents. The book is compressed to the last degree, with well arranged mechanism in footnotes for the guidance of scholars. At the same time it is readable.

The economic side of history, it would seem, can be abused more easily than used. The late Mr. J. W. Welsford, whose *Strength of Nations* was an argument from history to justify the tariff reform movement in England, left an unfinished sketch of the economic development of England, which extends to the reign of Charles I and has been published, with a commendatory introduction by Dr. W. Cunningham, under the title, *The Strength of England* (London, Longmans, Green and Company, 1910; xvi, 362 pp.). While the propaganda of the author is in good part concealed, his narrative is marked by as subjective a touch as any history written to justify an Augustinian theology or the claims of a universal church to overlordship. The author was a man of much insight, his erudition was large, and his views are always worth considering. He has a forcible style and the book is eminently readable. It contains, of course, much of the interesting material which lies in the path of such an investigation; but it is not a volume to which a scholar will turn for reference. Footnotes, too, are lacking.

William O'Connor Morris's very excellent little volume on *Ireland, 1494–1868*, has been revised and brought down to 1905 by Robert Dunlop, of the University of Manchester (Cambridge University Press; New York, Putnams, 1909; x, 410 pp.). The revision is conservative and judicious and the continuation preserves the good qualities of the original chapters. Mr. Dunlop's contribution is a single chapter, sketching the Parnell movement and the land-purchase policy that have put so new a face on the whole Irish situation in British politics.

William Foster's three volumes on *The English Factories in India* (Oxford, The Clarendon Press, 1907–1909; xlvii, 378, xlviii, 388, xlviii, 386 pp.) really form part of a series of documents published under government patronage, six volumes having appeared previously

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(1896–1902) as *Letters received by the East India Company from its Servants in the East, 1602–1617*. Mr. Foster's volumes cover the period from 1618 to 1629. The documents are drawn from the archives of the India Office, the manuscripts department of the British Museum and, in a few cases, from the Indies series at the Public Record Office. A few of them have been printed before in *The Embassy of Sir Thomas Roe* and other works or have been epitomized in Mr. Sainsbury's *Calendar of State Papers, East Indies*, now out of print; but for the most part they are entirely new to historical students. The editing is what one would expect from a man of Mr. Foster's experience and reputation. All passages of sufficient importance have been given in full; everywhere native names and expressions and quaint specimens of seventeenth-century English in the factors' letters have been noted carefully; and in the summaries special attention has been given to information regarding the products and manufactures of India, weights, measures, coins *etc*. The introductions provide a detailed narrative with frequent references to the text. There is a fascination about this early period of European rivalry, when the Mogul empire was at its zenith under the successors of Akbar and when a handful of Portuguese, Dutch and English contested for trade and the favor of princes. Fighting and commerce went hand in hand. A remarkable vigor and vividness pervade the letters which tell of bribery, bargaining and profits or of the desperate fighting off Swally Hole and in the Persian Gulf.

Strange as it may seem, there is no satisfactory history of French liberalism; and M. R. Pierre Marcel's *Essai politique sur Alexis de Tocqueville* (Paris, Félix Alcan, 1910; 514 pp.) is doubly welcome, both for its intrinsic merits and as a study in a much neglected field of modern history. About half of the volume is devoted to de Tocqueville as a man and a writer and to his political system. In this part there is little that is new to the careful student of *Démocratie en Amérique* and *L'Ancien Régime*. The account of de Tocqueville's public life, however, is based almost entirely upon new and unpublished documents and possesses, in addition to its special biographical features, a decided value for French political history from the establishment of the July monarchy to the foundation of the second empire. M. Marcel is in sympathy with the views of de Tocqueville, but he is by no means unaware of the limitations in the great Liberal's personal qualities and in his philosophic system. Indeed, M. Marcel frankly says that de Tocqueville was neither a profound philosopher nor a successful *polémiste* and was in many ways disqualified for the work which he undertook by a total lack

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of the qualities of the jurist. The author's fairness of treatment will do much to rehabilitate the publicist, whose books are now more often cited than read.

Professor Maurice Caudel, of the *École libre des sciences politiques*, has produced a clever and suggestive study entitled *Nos libertés politiques* (Paris; Armand Colin, 1910; 462 pp.). Under the three heads—origin, development, present state—he discusses the course of French politics so far as concerns individual rights. The book abounds in sagacious comment and philosophic generalizations. Notably suggestive is the extensive analysis of the Declaration of Rights of 1789, and the comparison of its spirit and content with those of the analogous English and American documents. The author's judgment on present and future conditions is rather pessimistic.

A valuable contribution to the history of the post office is made by Dr. Fritz Ohmann, in *Die Anfänge des Postwesens und die Taxis* (Leipzig, Duncker and Humblot, 1909; 342 pp.). The family of Taxis (or Tassis as they were originally called) held, as is well known, a monopoly of the postal business in the old German Empire and inaugurated the first international post. Their hereditary rights, although greatly reduced in importance, were not abandoned until 1866. Dr. Ohmann has made a thorough study of the origin of the Tassis family, and has incidentally given an excellent picture of the beginnings of the postal system in the various continental countries and its development during the fourteenth and fifteenth centuries. The gradual evolution of the primitive messenger or courier service into a regular postal system is well portrayed.

Of the countless local systems of law which flourished in mediæval Europe, the town laws were the most progressive and exercised the greatest influence upon the development of modern civil law. Of mediæval town laws none are more interesting than those of Spain. Of Spanish city *fueros* that of *Cuenca*, which was drawn up about 1200 A. D., is one of the most important. It was borrowed by many other towns, particularly in La Mancha and Estremadura, and it exercised a considerable influence upon the development of the general law of Castile. Of the original Latin version there has been no satisfactory printed text. This has now been furnished by Dr. George H. Allen, and is published under the title *Forum Conche* (Cincinnati University Press, 1909, 1910; 92 + 134 pp.), in two successive numbers of the Cincinnati University Studies. Dr. Allen's text is based upon a collation of three manuscripts which are preserved in the National Library at Paris and in the Escorial. In its preparation, which was suggested by Pro-

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fessor Menendez Pidal of the Central University of Madrid, Dr. Allen had "the friendly encouragement and assistance" of two of the most eminent of Spanish legal historians, Professors Hinojosa and Ureña. The work appears to be done in a scholarly and satisfactory manner. No explanatory annotation is attempted: the notes consist exclusively of variant readings.

After editing a rather sumptuous edition of the letters of Cortes, Mr. Augustus MacNutt has fallen into the somewhat natural error of imagining that he was thereby qualified to write, in popular form, a biography of his hero and an account of the conquest of Mexico—a task which he has undertaken in *Fernando Cortes and his Conquest of Mexico, 1485–1547* (New York, Putnams, 1909; xxi, 475 pp.). He seems to have overlooked the fact that a writer who attempts to compete with Prescott's charming volumes needs to have something more than an acquaintance with the Spanish chroniclers. Since Prescott's day there has been an enormous amount of careful archæological investigation, which has thrown an entirely new light on the Aztec "empire" and has made it possible to supply what Prescott lacked. Unfortunately Mr. MacNutt gives evidence of being quite unfamiliar with the methods and results of recent Mexican research. He vaguely realizes that "an entire school of present-day investigators rejects the description of Mexico, given by the early writers, as entirely fanciful," but he is not inclined to be influenced by them. He prefers to believe that Mexico was "a beautiful city in which dwelt a sovereign, amidst surroundings of interesting splendor." His knowledge of the facts is so limited that he actually suggests that any repudiation of the highly colored and exaggerated accounts of the chroniclers has no better basis than the assumption of "the existence of something resembling a conspiracy of misrepresentation among the early Spanish writers." It only remains to be said that Mr. MacNutt has apparently ignored the work of most of the modern Mexican historians. In this, and in his grasp of the problems which confronted Cortes, his own work stands in painful contrast with the thorough scholarship of Alfred P. Maudslay, whose remarkable edition of Bernal Diaz del Castillo, now in course of publication by the Hakluyt Society, is a genuine contribution to our knowledge of the conquest of Mexico. There is still room for a life of Cortes.

Proof of the interest that the Germans have in the expansion of their trade with the republics of South America is furnished in ample measure by the large number of works that they are publishing on the commercial situation of those countries. As the conditions in Argentine and Brazil have been so frequently and fully described, Dr. Rudolph Dunker,

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in his *Wirtschaftsstudien aus Südamerika, speziell über Chile* (Leipzig, Duncker and Humblot, 1910; vi, 202 pp.), has undertaken to supply a readable and authentic sketch of the economic vicissitudes of that Andean state, with some reference to the experiences of its neighbors. About three-fourths of his treatise, in fact, is given over to an account of the agriculture, industries and finances of Chile, principally between 1904 and 1908. The remainder outlines the fluctuating fortunes of paper-money issues in the other republics, and closes with some general observations on values, credit and capital. There are two appendices illustrative of the efforts made in Chile to remedy its monetary evils.

It is a happy sign of the growing interest in modern politics that the new French annual, begun under high auspices three years ago, finds support that warrants its continuance. The third issue of *La Vie politique dans les deux mondes* (Paris, Félix Alcan, 1910; 619 pp.), which covers the year October 1, 1908, to September 30, 1909, maintains the plan and standards set by the first number. A general survey of international politics is supplied by M. André Tardieu; and the social, economic and political development of each country during the year is reviewed by the several collaborators, working under the direction of M. Viallate. The volume closes with a study of the international incidents of the year: treaties, protocols and agreements, world economics, the socialist movement and the great international conferences. The work certainly accomplishes the object of the authors: to present objectively to the enlightened public the great questions which arise in each country and the daily facts which form the drama of political life. The work is as indispensable to the student of modern history and politics as is the daily paper.

The well-known *Histoire des doctrines économiques*, by Professor Joseph Rambaud, a text-book used in the French law schools, has appeared in a third edition (Paris, L. Larose, 1909; 816 pp.). Few changes are to be noted in the new edition: it contains, however, references to the more recent literature of the subject and a slight survey of the modern development of socialism.

About a decade ago Karl Marlo found two excellent biographers and sympathetic critics in a Frenchman, Allix, and a German, Gradski. Now Dr. W. E. Biermann, privatdozent at Leipzig, has published a comprehensive study under the title of *Karl Georg Winkelblech (Karl Marlo); sein Leben und sein Werk* (Leipzig, Georg Böhme, 1909; 387, 511 pp.). Dr. Biermann was for a long time undecided whether to class Marlo as a socialist or as an individualist, but he has finally assigned him to the former category. The first volume gives a

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full account of Marlo's interesting career as a social agitator, especially during the years 1848 and 1849. The second volume deals fully with the German labor movement and with the reaction of the fifties. The history of the German labor movement during those eventful years constitutes the most valuable part of the work. In a third volume we are to have a critical study of Marlo's great book.

The well known biographies of William Cobbett by Houish and Smith, published in 1836 and 1878 respectively, are now considerably out of date. E. I. Carlyle, of Merton College, Oxford, has reawakened our interest in that picturesque career by a volume entitled *William Cobbett: A Study of his Life as shown in his Writings* (London, Archibald Constable and Company, 1904; 318 pp.). Mr. Carlyle has given us an interesting and impartial account of the ways and works of a man who exerted, both in the United States and at home, an influence out of all proportion to his real ability. To the student of parliamentary and social reform during the first third of the nineteenth century, the book will be interesting. Some amusing illustrations are interspersed.

Adam Smith's *Wealth of Nations* is now being published, with an introduction by Professor Seligman, as a part of Everyman's Library (London, J. M. Dent and Sons; New York, E. P. Dutton and Company, 1910). Similarly the other great classic of English political economy, John Stuart Mill's *Principles of Political Economy*, has been reprinted under the editorial direction of Professor W. J. Ashley (London, Longmans, Green and Company, 1909). Apparently, the demand for the best in economic literature is steadily growing.

Professor Herbert E. Mills has solved the problem of choosing the best text-book for the use of his classes at Vassar by preparing his own *Outlines of Economics* (second edition, Poughkeepsie, 1909; 133 pp.). Together with an orderly survey of the whole subject—definitions, statistical information *etc.*—the book presents exact references, topically arranged, to a dozen or more treatises. Each student is required to have "for constant use" three text-books (Marshall, Seager and Seligman) and is referred frequently to four others (Bullock, Fetter, Gide and Mill). Teachers of economics who concur with Professor Mills in his selection of books should find his *Outlines* helpful in their own work.

In the third and concluding volume of his well-known *Grundriss der politischen Oekonomie*, which constitutes the second part of his *Volkswirthschaftspolitik* (Tübingen, J. C. B. Mohr, 1907; 393 pp.), Professor Eugen von Phillippovich has introduced an important innovation.

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This is an addition to the books dealing with transportation and exchange of a book treating of *Einkommenpolitik*, that is, of measures for safeguarding and protecting incomes of different kinds, particularly the incomes of wage-earners. Whatever may be thought of this new arrangement, there can be no question that the volume as a whole maintains the high standard of the work, which has led to a demand for six successive editions of the first volume before this last one was ready for the printer.

In various magazine articles and in the appendix to the second German edition of his *Critical History of Interest Theories* (a translation of this appendix was published by Professors Scott and Feilbogen in 1903 under the title *Recent Literature on Interest*), Professor von Böhm-Bawerk has from time to time reviewed and criticized the vast literature of capital and interest published during the last twenty-five years. The appearance of a third edition of his *Positive Theorie des Kapitals* (Innsbruck, Wagner'sche Universitäts-Buchhandlung, 1909; xxiii, 210, 171 pp.) is accordingly more interesting as an event in his literary history than as a contribution of anything essentially new to the unending controversy. The revised edition, though covering only the first half (books i and ii) of the original work, is yet, by reason of additions, of about the same size as that volume. Perhaps two-thirds of the new matter is devoted to American theorists, especially Fisher and Fetter. While he praises American writers highly, Professor von Böhm-Bawerk declines to accept their theories. He clings tenaciously to his old concept of capital and criticizes the broader idea that is making its way among recent writers.

Shortly before his lamented death, the late Professor Lester W. Zartman published two volumes of *Yale Readings in Insurance*, the one entitled *Life Insurance*, the other *Fire Insurance* (Yale University Press, 1909; 405, 446 pp.). These volumes, which are described in the preface as successors to the Yale *Lectures on Insurance* that appeared in 1904, are in reality far more comprehensive than the older books. They include extracts from various more or less well known books, reprints of special articles and papers and some original contributions, not a few of which are from the pen of Professor Zartman himself. The first volume contains half a dozen chapters on different kinds of insurance, such as marine insurance, steam-boiler insurance, employers' liability insurance and workingmen's insurance. The only criticism to be urged against these otherwise admirable volumes is that the great majority of the contributions come from men practically engaged in the business; and while the facts given are for the most part

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authoritative, the interpretation of the facts is not always entirely impartial. It is as if the railway problem were to be studied from the point of view of the railway companies alone.

Ex-Senator John F. Dryden, president of the Prudential Insurance Company, has collected a number of his essays on insurance and has published them in an imposing volume entitled *Addresses and Papers on Life Insurance and other subjects* (Newark, Prudential Insurance Company, 1909; 330 pp.). Most of the essays deal either with industrial insurance or with the taxation of life insurance. As is inevitable in a collection of this kind, there is much repetition; but the essays are for the most part both well written and interesting, and they form a welcome contribution to the literature of the subject from the point of view of those who have been active in creating and developing the business.

A valuable addition to the rapidly growing literature on *Unemployment* is the monograph by Professors Chapman and Hallsworth, dealing with that problem as it presents itself in Lancashire (Manchester, The University Press, 1909; 164 pp.). Not only do the authors present such facts as they could collect in regard to the extent of unemployment, but they also describe the measures that have been taken to relieve it in that county and review the various plans that are currently discussed in England, particularly those made prominent in the recent reports of the Poor Law Commission. Their conclusions ably sum up instructed public opinion on this subject in England. Thus the remedies which meet with their approval are public labor exchanges, vocational training for boys and girls, unemployment insurance, farm colonies for vagrants and relief work, such work to be offered as a last resort in times of unusual distress.

Dr. Maximilian Meyer's *Statistik der Streiks und Aussperrungen im In- und Auslande* (Leipzig, Duncker and Humblot, 1907; 253 pp.) may be commended as a convenient summary of the available statistics in regard to labor disputes in Germany, Austria, France, Belgium, Italy, England and the United States. A comparison of the methods by which these statistics are collected by the different countries concerned is in itself suggestive, but the author also gives us critical comments of value. A comparison of the statistics for different countries fails to indicate any uniform tendency as regards this particular phenomenon.

A significant indication of the widespread interest which our English cousins are now taking in the industrial and social legislation of Germany is the publication of a fifth edition of a *Report on the Brassworkers of Berlin and of Birmingham* (London, P. S. King and Son, 1910; 82 pp.), drawn up by three representatives of Birmingham, who were

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sent to the German capital to ascertain the reasons for Berlin's rapid progress in the brass industry. In simple and vivid language the report shows how at many points the German workman is protected by governmental action from evils to which his English brother is exposed. The writers conclude that "duty, responsibility, discipline, work, order and method" sum up the reasons for Germany's superiority, which they frankly concede.

Admirable for its summary of the available information on the subject if not entirely satisfying in its conclusions is the *Report on Old Age Pensions* of the Massachusetts commission created in 1907 (Boston, Wright and Potter Printing Company, 1910; 409 pp.). A statistical study of old-age poverty in Massachusetts and a description of existing systems of old-age pensions, insurance and annuities in foreign countries are followed by sections treating of proposed plans of old-age pensions, of the general aspects of the question, of the cost of different plans, of the question of municipal pensions and, finally, by the conclusions of the commission. That there is no wide-spread demand or need for old-age pensions in Massachusetts at present and that such a need, did it exist, could not well be met by a single state acting by itself, the report proves pretty conclusively. That "a non-contributory pension system is simply a counsel of despair" is more open to question. It was not in this spirit that such systems were adopted by Denmark, New Zealand, Australia or the United Kingdom, and there is nothing in the experience of these countries to justify such extreme pessimism as the majority of the commission express in regard to this latest method of caring for the aged poor. Other conclusions—that the advantages of thrift and providence be taught in the schools, that wider use be made of the facilities for old-age insurance offered by the savings banks of Massachusetts and by commercial companies, that employers give thought to this matter for the benefit of their employees, that retiring systems for public employees of all grades be introduced, and that a permanent old-age pension commission be created to report from time to time on the question—must command general assent.

In *The Vagrancy Problem* (London, P. S. King and Son, 1910; 270 pp.) Mr. William Harbutt Dawson presents a convincing argument for the establishment of detention colonies for vagrants in England, on the model of those in successful operation on the continent of Europe. The discussion is peculiarly timely because, as he points out, the recent establishment of public labor exchanges in English cities now provides the government for the first time with the necessary machinery for distinguishing the chronic loafer from the *bona fide* worker in search of

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employment. For the sake of the latter, if for no other reason, steps must next be taken to remove the chronic loafer from the competitive labor market.

In his report on *Civil Service Retirement in Great Britain and New Zealand* (Washington, Government Printing Office, 1910; 264 pp.), Mr. Herbert D. Brown points out that a gratuitous system of retirement allowances inevitably becomes in the course of time, as has that of Great Britain, virtually a contributory system. The retirement allowance comes to be taken into account as part of the salary offered and the salary is depressed accordingly. His conclusion, based upon an exhaustive study of the experience of these two countries, is that a contributory system of retiring allowances for public employees in the United States is to be preferred to the system of gratuitous old-age pensions.

Professor Robert Liefmann has brought out a second and enlarged edition of his useful little book on *Kartelle und Trusts* (Stuttgart, Ernst H. Moritz, 1910; 210 pp.), in which the latest phases of the combination movement, as it shows itself particularly in Germany and the United States, are described and criticized. To American readers the most interesting aspect of Dr. Liefmann's discussion is the contrast which he brings out between the German and the American attitudes as regards this problem. Prussia's early participation, as a great mine-owner, in some of the cartells and the more rigid German corporation laws have prevented the abuses which in this country gave rise to the widespread hostility to trusts. On the other hand, this very hostility gave a direction to the trust movement here from which Germany has been happily free. Notwithstanding these differences, the same remedies—changes in the tariff, control through a bureau of corporations and severe punishment for unfair and monopolistic practices—appear to be gaining favor in both countries.

Mr. John Spargo has added to his numerous works on socialism a book which will attract wide attention as being the first biography of the founder of scientific socialism. In his *Karl Marx: His Life and Work* (New York, B. W. Huebsch, 1910; 359 pp.), Mr. Spargo has given us a most readable combination of biography and comment. He tells us modestly that "this volume must not be regarded as being the final authorized biography of Marx"; his aim has been "to furnish a sympathetic and interpretative account" of the life of a man "who was not only a profound and brilliant thinker, but a lovable and interesting personality." The interpretation, of course, is always that of a pronounced socialist. The book will, however, be none the less inter-

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esting to the student on that account. Although the author asserts that he has been at work thirteen years in collecting material for this volume, most of the facts on which the biography is based have already appeared in print. About the only real addition to our knowledge is the account of how Marx succeeded in helping on the movement which prevented the recognition of the Confederacy by England in 1861, and here it is doubtful whether the influence of Marx has not been exaggerated. A number of good portraits of prominent personalities with whom Marx came into more or less intimate contact are interspersed throughout the volume, of which the general make-up leaves nothing to be desired.

Men versus the Man is an entertaining collection of twelve letters purporting to have passed between Robert Rives La Monte, socialist, and H. L. Mencken, individualist (New York, Henry Holt and Company, 1910; 252 pp.). Mr. La Monte is a thorough-going Marxian socialist. He is "no statistician" and has "always found figures a burden," and yet his argument is embellished by constant references to statistics—socialist statistics. Mr. Mencken is a great admirer of Huxley. He prefers socialism to Christianity but has little use for either. His individualism is of the crass, uncompromising kind that, as voiced, for example, by W. H. Mallock, has done so much for the advancement of socialism in England. The world as it is appears to him is entirely satisfactory. "If I were told off to create a new universe," he declares, "I should adopt the whole plan." Between these extremes there is obviously room for a lively interchange of arguments. Each writer is at his best in refuting the other, at his worst in formulating his own social program. For summer reading the book is to be commended as superior to the ordinary best seller.

The *Communist Manifesto* has at last come into the purview of the metaphysician, and Dr. Henry Jones, in his *Working Faith of the Social Reformer* (London and New York, The Macmillan Company, 1910; xii, 305 pp.), endeavors to find what word "moral philosophy" has for the modern social problem and "the coming of socialism." Dr. Jones's principles are brief, clear and simple: the social reformer must have faith in the world as it is, if he is to make it better; human society is rationally constituted; idealism has successfully refuted materialism; and the social reformer will not resist or welcome an increase in social enterprises as such, but will "work for only one supreme innovation, namely, that of moralizing our social relations as they stand" (page 114). Those who come to the social problem from Kant, Hegel and the Greeks will see things that do not appear in the field of those who come by the way

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of biology and economics. Dr. Jones seeks a certain measure of reconciliation without surrendering the fundamental principle that all social relations are moral relations; and individualists and socialists alike will find profit in the reasonableness of his conclusions, even though they may not eliminate a line of their fighting programs.

The Kennedy lectures delivered before the School of Philanthropy in 1908 by Professor Jeremiah W. Jenks and published under the title, *Governmental Action for Social Welfare* (New York, The Macmillan Company, 1910; 226 pp.), add a useful volume to the American Social Progress Series. The titles of the lectures serve sufficiently to indicate the wide scope of the discussion: "Introduction"; "Meaning of Social Welfare"; "Governmental Organization; its Relations to Society"; "Principles of Legislation for the Promotion of Social Welfare"; "Limitations on Legislative Activity"; "The Chief Executive"; "The Civil Service"; "The Judiciary"; "The Work of Citizens in the Promotion of Social Welfare."

Canon and Mrs. Barnett's *Towards Social Reform* (New York, The Macmillan Company, 1909; 352 pp.) is a volume of essays, papers and addresses on topics as varied as the preoccupations of the London settlement worker. "Social Reformers," "Poverty," "Education," "Recreation" and "Housing"—the sub-titles of the five parts into which the book is divided—are among the subjects considered. All are treated with a sympathetic insight into the character and prejudices of the average citizen of London's East Side which makes them as interesting to the foreign reader as they must be helpful to those in the thick of the fight over these and kindred questions.

Mr. John A. Hobson takes an interesting view of modern problems in *The Industrial System: An Inquiry into the Earned and Unearned Income* (London, Longmans, Green and Company, 1909; 328 pp.). The author's thesis is that there is indeed a surplus in modern industry, but that this surplus does not go to the landowner, as the old theory of rent taught, nor to the capitalist, as the socialist affirms, nor to the laborer, as some other writers have been disposed to think. Where industry creates a product larger than is needed for the cost and maintenance, "it is taken by the owners of the several factors of production in accordance with the economic 'pull' they are respectively able to exercise. The strength of this 'pull' varies with the degree of scarcity, natural or contrived, which the owners of the factors are able to secure for the factor, and with the economic importance attached to this scarcity." This is the real economic surplus which Hobson thinks is the true unearned income, and which therefore is available for purposes

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of taxation. It is not true of all land or of all profits or of all wages, but it is true of some lands, of some profits and of some wages. Where the line, however, is to be drawn, Mr. Hobson is not quite successful in telling us. Incidentally we meet with several of his well-known theories with reference to spending and saving, as well as a chapter on the alleged inadequacy of the marginal-productivity theories. A perusal of Mr. Wicksteed's book, elsewhere noticed in this number of the QUARTERLY, might have saved Mr. Hobson from including this chapter in what is otherwise a stimulating and attractive work.

Expert opinion, especially that of the college professor, has been accorded slight respect in this country. But times are changing, and the college president and the college professor are being quoted as authorities even in the daily press. It is to be expected, therefore, that Professor J. Laurence Laughlin's collection of essays, which are published in book form under the title of *Latter Day Problems* (New York, Charles Scribner's Sons, 1909; xi, 302 pp.), and in which he discusses from the vantage ground of the trained and experienced economist some of the larger economic and social problems of the day, will receive attention commensurate with their scientific merit. The essays deal with such vital questions as trade unionism, socialism, poverty, social settlements, large fortunes, guarantee of bank deposits *etc.*, and although nobody may agree with all of Professor Laughlin's conclusions, few can fail to be benefited by their careful consideration. As might be expected, the essays on guarantee of bank deposits, on the relations between the depositor and the bank and on government *versus* bank issues are especially lucid and full.

Sir Nathaniel Nathan, formerly attorney-general in Trinidad, has summed up the conclusions attained during a long career under the title, *Economic Heresies: Being an Unorthodox Attempt to appreciate the Economic Problems presented by "Things as they are"* (Boston, Houghton Mifflin and Company, 1909; 423 pp.). Sir Nathaniel's acquaintance with economic literature is confined almost exclusively to the English writers of a past generation; he triumphantly refutes the doctrine of progressive taxation, for example, by an appeal to Fawcett; and his general attitude towards economic science is characterized by his statement that general laws are not of great importance and that what concerns us more immediately are the more "realizable intermediate phenomena." He does not explain to us, however, how such phenomena can be understood irrespective of law. The book is replete with interesting examples of practical economic life, but it is of very slight value to the economic student, whether he be orthodox or heterodox.

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A few years ago the Public Lands Commission appointed by President Roosevelt reported: "Your commission has had inquiries made as to how a number of estates selected haphazard have been acquired. Almost without exception collusion or evasion of the letter and spirit of the law was involved." This spoliation of the public domain and its relation to a democracy of independent and self-respecting citizens form the theme of a well-written and moving book by Dr. Frederic C. Howe, *Privilege and Democracy in America* (New York, Charles Scribner's Sons, 1910; xii, 315 pp.). After reviewing the amazing story of how a careless nation has been stripped of its agricultural land, its forests and mineral resources to the advantage of great holders, Dr. Howe devotes some striking chapters to the growth of unearned increment in the land values of great cities. The complete remedy for this grave condition, in Dr. Howe's view, is the introduction of the single tax. This simple change, he maintains, would usher in a new dispensation. "Wages would rise with great rapidity. . . . The tramp and the vagrant class would disappear. . . . Vice and crime would greatly diminish, and the inmates of charitable and penal institutions would be reduced to the diminishing point. . . . There would be two jobs hunting for every man. . . . A new relationship between capital and labor would arise. Arrogance would give way to a kind of partnership. . . . Then there would arise an era of freedom in every walk of life" (chapter xxii). Dr. Howe is here more eloquent than convincing; for he does not show in the concrete how this simple remedy could work so marvelous a transformation in a society so infinitely complex as ours.

The second volume of Professor Lewis H. Haney's *Congressional History of Railways in the United States*, of which the first volume was noticed in this journal (volume xxiv, page 191), is entitled *The Railway in Congress; 1850-1887*, and forms the first number of volume vi of the Bulletin of the University of Wisconsin, "Economics and Political Science Series" (Madison, 1910; 335 pp.). It deals primarily with the land-grant policy, the Pacific railways and the history of regulation, and is characterized by the same careful workmanship which was exhibited in the first volume.

Sir Horace Plunkett, who may well be called the father of the new agriculture in Ireland, has collected a number of articles previously published in the *Outlook* into a small volume entitled *The Rural Life Problem of the United States; Notes of an Irish Observer* (New York, The Macmillan Company, 1910; 174 pp.). He develops Mr. Roosevelt's formula: "Better farming, better business, better living"—which

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is indeed only a terse statement of Sir Horace's own ideas. The clear exposition of the many difficulties of the problem culminates in the noteworthy suggestion of an international "country life institute." The little volume will well repay a careful perusal.

Mr. Lawrence Veiller's *Housing Reform* (New York, Charities Publication Committee, 1910; xii, 213 pp.) is a cautiously conservative treatment of the housing problem in American cities. Mr. Veiller's former position as first deputy commissioner of the New York tenement house department gave him a peculiar opportunity to observe the housing conditions of this city, and his opening chapters on the facts of overcrowding and congestion have therefore a first-hand value. As a remedy for the grave evils which undoubtly exist, Mr. Veiller does not go beyond a moderate tenement law which would meet the approval of the most enlightened landlords. Municipal ownership he dismisses with the brief suggestion that, owing to our special political practices, the lessons of Europe are of no avail. In his book the fundamental problem of ground values is neglected and the whole issue of transportation and the distribution of industries is untouched —in a word, the central points which must be attacked in any effective war on the evils of congestion are simply left out of account altogether. Mr. Veiller is thus a generation behind the conservative reformers of Europe. His volume, however, has a decided value for those who would confine their operations to statutory regulation, because it contains excellent chapters on the essential principles of a housing law and on the methods of law enforcement.

To those who have never had the pleasure of visiting the George Junior Republic at Freeville, New York, there is now given an opportunity to learn much about this interesting and successful experiment. In *The Junior Republic* (New York, D. Appleton and Company, 1910; xii, 326 pp.), William R. George, the founder, gives a most entertaining account of the history and ideals of his little community. Every worker with young people will find the book full of helpful suggestions, while the general reader will find much to stimulate optimism and to strengthen faith in democracy.

The first attempt at a comprehensive comparative investigation of fiscal statistics has been made by Dr. Friedrich Zahn, head of the Bavarian Statistical Bureau, in a monograph entitled *Die Finanzen der Grossmächte* (Berlin, Carl Heymann, 1909; 98 + 46 pp.). Dr. Zahn's survey covers nine leading nations, including the United States and Japan. After an introduction, explaining the difficulties of comparing different national statistics, he takes up in turn public expendi-

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tures, public revenue and public credit. He gives a mass of interesting comparative statistics with comments, and concludes with a plea for the adoption of more accurate and comparable bases in statistics. The monograph will be of considerable use to the student of public finance.

A new edition of Gaston Jèze's *Cours elémentaire de science des finances et de législation financière française* has been published by Giard et Brière (Paris, 1909; 988 pp.). The original treatise was written in collaboration with Professor Boucard; the present book, which is greatly enlarged, is entirely the work of Professor Jèze, who has in the meantime been called to the law school in the University of Paris. It is now on the whole the best French text-book on the science of finance. Space is apportioned in a way that is unusual in similar works published in other countries. Considerably more than a third of the volume, about 370 pages, is devoted to the budget; about 150 pages to expenditures and the public debt; and the remainder, less than half the volume, to public revenues. The work is full of precise references to French legislation and will therefore serve as a valuable complement to similar treatises in other languages. Professor Jèze, who is also the editor of the *Revue de science et de législation financière*, one of the two existing scientific journals devoted to public finance, has acquired an enviable reputation for his accuracy and his breadth of view. Professor Jèze has also in preparation an exhaustive treatise on public finance which is to extend to no less than twelve volumes. Of these the first has just appeared under the title *Le Budget* (Paris, Giard et Brière, 1910; 571 pp.). Of the twelve volumes, five are to be devoted to different aspects of the budget, one to public expenditures, one to public credit, three to public revenues and one to local finances. The first volume on the budget, now before us, devotes considerable attention to American as well as to European practice and contains a mass of details well handled and excellently arranged.

So much interest has been aroused by the income-tax bill recently passed by the French Chamber of Deputies that the "Defence Association for the Middle Classes" in France has caused to be published a large volume entitled *L'Impot sur le revenu: le projet Caillaux devant la Chambre* (Paris, Félix Alcan, 1910; 680 pp.). The volume contains the *exposé des motifs* and a rather full synopsis of the discussion in the Chamber; not only the preliminary general discussion, but the discussion of each separate article of the bill. As this occupied about two years, about every phase of the subject is treated, and the result is a welcome contribution to fiscal history.

Mr. Frank M. Eastman, who has been favorably known to students

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of finance by his book on the taxation of public service corporations in Pennsylvania, has published a comprehensive work, in two volumes, on the *Laws of Taxation in Pennsylvania* (Newark, Soney and Sage, 1909; 1100 pp.). This book gives a most elaborate presentation, in all its detail, of the existing law as interpreted by the courts. It also includes, in almost every chapter, a historical survey of the development of each particular tax. As a result, we have a work which is unique in character, and which may well serve as a model for similar books dealing with the taxation of the other states. While designed primarily for the practicing lawyer, it will be of the utmost value to the student of public finance; all the more because of the advanced position that Pennsylvania occupies in the field of state and local taxation.

In the first paragraph of his book entitled *The Crime Problem; What to do about it; How to do it* (Elmira, New York, Star-Gazette Company, 1909; 156 pp.), Colonel Vincent Myron Masten, military instructor at the New York State Reformatory, states that he "does not essay a scientific treatise on criminology." This statement a reading of the book proves to be true. Towards the end it is conceded (page 144) that "we have employed many words to state a very simple proposition"; which also is true. The book contains nothing new which is worthy of note and is filled with platitudes with regard to prison reform. For example it is said (page 155), with regard to reform institutions, that "if the heads are not good ones, remove them and substitute in their places those that are good."

Sociology, like history, lends itself to teleological construction. In *The Sociology of the Bible* (New York, The Board of Publication of the Reformed Church; 428 pp.), Professor F. S. Schenk of the Reformed Church Seminary at New Brunswick has applied a modern point of view to the study of social phenomena in the Bible, with the purpose of training his students to face present problems in the light of Christian teaching. He gives an interesting statement of the economic and social problems which arose in Jewish history and correlates this material with the familiar data of questions of today, with the aim of showing how futile are all solutions but that which seeks the establishment of the kingdom of God.

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